



## LODI CITY COUNCIL

Carnegie Forum  
305 West Pine Street, Lodi

## AGENDA – REGULAR MEETING

Date: January 20, 2010

Time: Closed Session 6:15 p.m.  
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

**Randi Johl, City Clerk**  
**Telephone: (209) 333-6702**

**6:55 p.m. Invocation/Call to Civic Responsibility.** Invocations may be offered by any of the various religious and non-religious organizations within and around the City of Lodi. Invocations are voluntary offerings of private citizens, to and for the benefit of the Council. The views or beliefs expressed by the Invocation Speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the beliefs or views of any speaker.

***NOTE:** All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.*

### **C-1 Call to Order / Roll Call**

### **C-2 Announcement of Closed Session**

- a) Threatened Litigation: Government Code §54956.9(b); One Case; Potential Suit by Alexis Gribaudo, a Minor, against City of Lodi Based on Personal Injuries
- b) Threatened Litigation: Government Code §54956.9(b); One Case, Potential Suit by Carlos Romero, Adriana Romero, and Leandra Romero, a Minor, against City of Lodi Based on Personal Injuries
- c) Conference with Dean Gualco, Human Resources Manager (Labor Negotiator), Regarding Lodi City Mid-Management Association and Police Mid-Managers Pursuant to Government Code §54957.6

### **C-3 Adjourn to Closed Session**

**NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.**

### **C-4 Return to Open Session / Disclosure of Action**

#### **A. Call to Order / Roll call**

#### **B. Pledge of Allegiance**

#### **C. Presentations**

- C-1 Awards – None
- C-2 Proclamations – None
- C-3 Presentations – None

#### **D. Consent Calendar (Reading; Comments by the Public; Council Action)**

- D-1 Receive Register of Claims in the Amount of \$6,599,004.11 (FIN)
- D-2 Approve Minutes (CLK)
  - a) January 5, 2010 (Shirtsleeve Session)
  - b) January 6, 2010 (Regular Meeting)
  - c) January 12, 2010 (Shirtsleeve Session)
- D-3 Approve Specifications and Authorize Advertisement for Bids for Pad-Mounted Liquid-Insulated Vacuum Switchgear (EUD)

- D-4 Approve the Following Actions Related to the Purchase and Installation of Automated Residential Electric Meters: (EUD)
- Res. a) Adopt Resolution Authorizing the City Manager to Purchase ITRON Solid-State Meters from General Pacific, of Portland, OR, and Appropriate Funds (\$360,000);
- b) Approve Installation Specifications; and
- c) Authorize Advertisement for Bids for Installation of Automated Residential Electric Meters
- Res. D-5 Adopt Resolution Awarding Contract for Water Main Replacement Program, Project No. 3, to D.A. Wood Construction, Inc., of Empire (\$707,516), and Appropriating Funds (\$850,000) (PW)
- Res. D-6 Adopt Resolution Approving Submittal of the Program Expenditure Plan to San Joaquin Council of Governments and Caltrans for Proposition 1B Transit Program Funds and Authorizing Transportation Manager to Submit All Necessary Paperwork (PW)
- D-7 Authorize City Clerk to Grant Application for Leave to Present a Late Claim Filed on Behalf of Alexis Gribaudo, a Minor, Pursuant to Government Code §911.6(b)(2) (CA)
- D-8 Authorize City Clerk to Grant Application for Leave to Present a Late Claim Filed on Behalf of Leandra Romero, a Minor, Pursuant to Government Code §911.6(b)(2) and Authorize City Clerk to Deny Applications for Leave to Present Late Claims Filed on Behalf of Carlos Romero and Adriana Romero Pursuant to Government Code §911.6(a) (CA)
- Res. D-9 Adopt Resolution Approving Bylaw Changes for the Greater Lodi Area Youth Commission (COM)
- D-10 Affirm Project Nominations for San Joaquin Council of Governments' One Voice Trip (CM)
- D-11 Consider Authorizing the Mayor to Enter a Memorandum of Understanding with Public Agencies from Merced to Sacramento County to Jointly Plan and Develop Improved Regional Passenger Rail Transportation (CD)

**E. Comments by the Public on Non-Agenda Items**

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

**F. Comments by the City Council Members on Non-Agenda Items**

**G. Comments by the City Manager on Non-Agenda Items**

**H. Public Hearings – None**

**I. Communications**

I-1 Claims Filed Against the City of Lodi – None

I-2 Appointments

- a) Appointments to the Library Board of Trustees: *Frankie Paul Kooger*; Lodi Animal Advisory Commission: *Phillip Laughlin*; Lodi Arts Commission: *Teri Turrentine*; Lodi Senior Citizens Commission: *Winona Ellwein*; San Joaquin County Mosquito & Vector Control District: *Jack Fiori*; San Joaquin Valley Unified Air Pollution Control District Citizens Advisory Committee: *Randall Blank*; and Site Plan and Architectural Review Committee: *Mitchell Slater*; and Direct City Clerk to Post for Remaining Vacancies (CLK)
- b) Post for One Expiring Term on Lodi Improvement Committee and One Vacancy on Lodi Budget/Finance Committee (CLK)

I-3 Miscellaneous

- a) Monthly Protocol Account Report (CLK)

**J. Regular Calendar**

- Res. J-1 Adopt Resolution Approving Fiscal Year 2009/10 Mid-Year Budget Adjustments (CM)
- J-2 Provide Direction to Staff to Resolve Unpermitted Sidewalk Removal at 1032 Laurel Avenue (PW)
- J-3 Discussion Regarding the Timing of the Collection of Impact Fees (CD)
- J-4 Authorize City Manager to Execute Addendum to the 2008-2009 Memorandum of Understanding Between the City of Lodi and the Lodi City Mid-Management Association (CM)
- J-5 Set Public Hearing for February 3, 2010, to Extend Interim Ordinance No. 1823, an Uncodified Interim Urgency Ordinance Imposing a Temporary Moratorium on the Establishment or Operation of Medical Marijuana Dispensaries in the City of Lodi (CA)
- Res. J-6 Adopt Resolution Approving the First Amendment to Consultant Contract with the Bartlam Group to Extend Konradt Bartlam's Services as Community Development Director for an Additional 12 Months (CM)
- Res. J-7 Adopt Resolution Ratifying Employment Agreement Entered into Between City Manager Blair King and Fire Chief Kevin Donnelly (CM)

**K. Ordinances – None**

**L. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

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Randi Johl  
City Clerk



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## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Receive Register of Claims Dated December 17, and December 24, and December 30 2009 in the Total Amount of \$6,599,004.11

**MEETING DATE:** January 20, 2010

**PREPARED BY:** Financial Services Manager

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**RECOMMENDED ACTION:** Receive the attached Register of Claims for \$6,599,004.11.

**BACKGROUND INFORMATION:** Attached is the Register of Claims in the amount of \$6,599,004.11 dated 12/17/09, 12/24/09, and 12/30/09. Also attached is Payroll in the amount of \$3,732,128.69.

**FISCAL IMPACT:** n/a

**FUNDING AVAILABLE:** As per attached report.

\_\_\_\_\_  
Ruby R. Paiste, Financial Services Manager

RRP/rp

Attachments

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



Accounts Payable  
Council Report

Page - 1  
Date - 01/04/10  
Amount

| As of<br>Thursday | Fund  | Name                          | Amount       |
|-------------------|-------|-------------------------------|--------------|
| 12/31/09          | 00100 | General Fund                  | 1,574,398.28 |
|                   | 00120 | Vehicle Replacement Fund      | 29.99        |
|                   | 00123 | Info Systems Replacement Fund | 1,488.58     |
|                   | 00160 | Electric Utility Fund         | 3,743,174.74 |
|                   | 00161 | Utility Outlay Reserve Fund   | 15,808.11    |
|                   | 00164 | Public Benefits Fund          | 33,802.97    |
|                   | 00166 | Solar Surcharge Fund          | 19,346.38    |
|                   | 00170 | Waste Water Utility Fund      | 48,646.45    |
|                   | 00171 | Waste Wtr Util-Capital Outlay | 133,132.05   |
|                   | 00172 | Waste Water Capital Reserve   | 2,322.58     |
|                   | 00180 | Water Utility Fund            | 311,741.24   |
|                   | 00181 | Water Utility-Capital Outlay  | 734.12       |
|                   | 00210 | Library Fund                  | 17,883.34    |
|                   | 00211 | Library Capital Account       | 44,080.30    |
|                   | 00260 | Internal Service/Equip Maint  | 47,128.12    |
|                   | 00270 | Employee Benefits             | 59,430.07    |
|                   | 00300 | General Liabilities           | 21,932.39    |
|                   | 00310 | Worker's Comp Insurance       | 53,574.71    |
|                   | 00321 | Gas Tax                       | 35,215.23    |
|                   | 00326 | IMF Storm Facilities          | 27,195.31    |
|                   | 00340 | Comm Dev Special Rev Fund     | 6,064.03     |
|                   | 00345 | Community Center              | 27,671.69    |
|                   | 00346 | Recreation Fund               | 15,657.61    |
|                   | 00459 | H U D                         | 3,323.75     |
|                   | 00501 | Lcr Assessment 95-1           | 1,615.00     |
|                   | 00502 | L&L Dist Z1-Almond Estates    | 346.19       |
|                   | 00503 | L&L Dist Z2-Century Meadows I | 220.17       |
|                   | 00506 | L&L Dist Z5-Legacy I,II,Kirst | 569.78       |
|                   | 00507 | L&L Dist Z6-The Villas        | 478.86       |
|                   | 00509 | L&L Dist Z8-Vintage Oaks      | 185.24       |
|                   | 01211 | Capital Outlay/General Fund   | 12,771.36    |
|                   | 01214 | Arts in Public Places         | 1,168.23     |
|                   | 01217 | IMF Parks & Rec Facilities    | 223,549.36   |
|                   | 01218 | IMF General Facilities-Adm    | 50,111.71    |
|                   | 01241 | LTF-Pedestrian/Bike           | 7,103.00     |
|                   | 01250 | Dial-a-Ride/Transportation    | 15,642.67    |
|                   | 01410 | Expendable Trust              | 12,849.82    |
| Sum               |       |                               | 6,570,393.43 |
|                   | 00184 | Water PCE-TCE-Settlements     | 84.00        |
|                   | 00190 | Central Plume                 | 28,526.68    |
| Sum               |       |                               | 28,610.68    |
| Total<br>Sum      |       |                               | 6,599,004.11 |

## Council Report for Payroll

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Date - 01/05/10

| Payroll           | Pay Per Date | Co    | Name                           | Gross Pay    |
|-------------------|--------------|-------|--------------------------------|--------------|
| Regular           | 11/29/09     | 00100 | General Fund                   | 695,083.45   |
|                   |              | 00160 | Electric Utility Fund          | 149,545.63   |
|                   |              | 00164 | Public Benefits Fund           | 3,405.40     |
|                   |              | 00170 | Waste Water Utility Fund       | 84,870.40    |
|                   |              | 00180 | Water Utility Fund             | 283.92       |
|                   |              | 00210 | Library Fund                   | 27,387.55    |
|                   |              | 00235 | LPD-Public Safety Prog AB 1913 | 1,859.00     |
|                   |              | 00260 | Internal Service/Equip Maint   | 21,566.60    |
|                   |              | 00321 | Gas Tax                        | 40,794.27    |
|                   |              | 00340 | Comm Dev Special Rev Fund      | 20,438.40    |
|                   |              | 00345 | Community Center               | 22,079.11    |
|                   |              | 00346 | Recreation Fund                | 39,933.45    |
|                   |              | 01250 | Dial-a-Ride/Transportation     | 6,324.78     |
| Pay Period Total: |              |       |                                |              |
| Sum               |              |       |                                | 1,113,571.96 |
|                   | 12/13/09     | 00100 | General Fund                   | 964,591.71   |
|                   |              | 00160 | Electric Utility Fund          | 159,682.71   |
|                   |              | 00164 | Public Benefits Fund           | 4,610.47     |
|                   |              | 00170 | Waste Water Utility Fund       | 88,089.63    |
|                   |              | 00180 | Water Utility Fund             | 283.92       |
|                   |              | 00210 | Library Fund                   | 31,332.86    |
|                   |              | 00235 | LPD-Public Safety Prog AB 1913 | 2,441.68     |
|                   |              | 00260 | Internal Service/Equip Maint   | 21,723.25    |
|                   |              | 00321 | Gas Tax                        | 43,550.77    |
|                   |              | 00340 | Comm Dev Special Rev Fund      | 21,730.51    |
|                   |              | 00345 | Community Center               | 26,498.48    |
|                   |              | 00346 | Recreation Fund                | 48,541.60    |
|                   |              | 01250 | Dial-a-Ride/Transportation     | 8,131.54     |
| Pay Period Total: |              |       |                                |              |
| Sum               |              |       |                                | 1,421,209.13 |
| Retiree           | 01/31/10     | 00100 | General Fund                   | 48,070.47    |
| Pay Period Total: |              |       |                                |              |
| Sum               |              |       |                                | 48,070.47    |

## Council Report for Payroll

Page - 1  
Date 01/05/10

| Payroll           | Pay Per<br>Date | Co    | Name                           | Gross<br>Pay |
|-------------------|-----------------|-------|--------------------------------|--------------|
| Regular           | 12/27/09        | 00100 | General Fund                   | 713,411.42   |
|                   |                 | 00160 | Electric Utility Fund          | 156,735.66   |
|                   |                 | 00164 | Public Benefits Fund           | 5,354.43     |
|                   |                 | 00170 | Waste Water Utility Fund       | 85,384.29    |
|                   |                 | 00180 | Water Utility Fund             | 283.92       |
|                   |                 | 00210 | Library Fund                   | 27,962.47    |
|                   |                 | 00235 | LPD-Public Safety Prog AB 1913 | 1,619.15     |
|                   |                 | 00260 | Internal Service/Equip Maint   | 21,492.76    |
|                   |                 | 00321 | Gas Tax                        | 41,771.35    |
|                   |                 | 00340 | Comm Dev Special Rev Fund      | 21,730.51    |
|                   |                 | 00345 | Community Center               | 27,783.25    |
|                   |                 | 00346 | Recreation Fund                | 38,858.25    |
|                   |                 | 01250 | Dial-a-Ride/Transportation     | 6,889.67     |
| Pay Period Total: |                 |       |                                |              |
| Sum               |                 |       |                                | 1,149,277.13 |



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## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Approve Minutes  
a) January 5, 2010 (Shirtsleeve Session)  
b) January 6, 2010 (Regular Meeting)  
c) January 12, 2010 (Shirtsleeve Session)

**MEETING DATE:** January 20, 2010

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Approve the following minutes as prepared:  
a) January 5, 2010 (Shirtsleeve Session)  
b) January 6, 2010 (Regular Meeting)  
c) January 12, 2010 (Shirtsleeve Session)

**BACKGROUND INFORMATION:** Attached are copies of the subject minutes marked Exhibit A through C.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

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Randi Johl  
City Clerk

Attachments

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

**LODI CITY COUNCIL  
SHIRTSLEEVE SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, JANUARY 5, 2010**

The January 5, 2010, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Randi Johl  
City Clerk

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JANUARY 6, 2010**

C-1 Call to Order / Roll Call - N/A

C-2 Announcement of Closed Session - N/A

C-3 Adjourn to Closed Session - N/A

C-4 Return to Open Session / Disclosure of Action - N/A

A. Call to Order / Roll call

The Regular City Council meeting of January 6, 2010, was called to order by Mayor Katzakian at 7:00 p.m.

Present: Council Member Hansen, Council Member Johnson, Council Member Mounce, and Mayor Katzakian

Absent: Mayor Pro Tempore Hitchcock

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. Pledge of Allegiance

C. Presentations

C-1 Awards - None

C-2 Proclamations

a) Anniversary of the Boosters of Boys/Girls Sports Organization

Mayor Katzakian presented a proclamation to BOBS Past President Ted Coffee in celebration of the 50th anniversary of the BOBS organization.

C-3 Presentations - None

D. Consent Calendar (Reading; Comments by the Public; Council Action)

Council Member Mounce made a motion, second by Council Member Hansen, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, and Mayor Katzakian

Noes: None

Absent: Mayor Pro Tempore Hitchcock

D-1 Receive Register of Claims in the Amount of \$6,182,275.67 (FIN)

Claims were approved in the amount of \$6,182,275.67.

D-2 Approve Minutes (CLK)

The minutes of December 1, 2009 (Shirtsleeve Session), December 15, 2009 (Shirtsleeve Session), December 16, 2009 (Special Meeting), December 16, 2009 (Regular Meeting), December 22, 2009 (Shirtsleeve Session), and December 29, 2009 (Shirtsleeve Session) were approved as written.

D-3 Accept Improvements under Contract for Building Demolition at 17 East Elm Street Project (PW)

Accepted the improvements under contract for Building Demolition at 17 East Elm Street Project.

D-4 Accept Improvements under Contract for DeBenedetti Park/G Basin Rough Grading Project (PW)

Accepted the improvements under contract for DeBenedetti Park/G Basin Rough Grading Project.

D-5 Approve Plans and Specifications and Authorize Advertisement for Bids for DeBenedetti Park - Phase I Improvements, 2350 South Lower Sacramento Road (PW)

This item was pulled for further discussion by Council Member Hansen.

In response to Council Member Hansen, Public Works Director Wally Sandelin stated the no mow turf will be located in the basin portion of the park and a good example of the same is the interchange at I-5 and Laguna Boulevard in Elk Grove.

In response to Council Member Hansen, Parks and Recreation Director Jim Rodems stated the park may open a few months prior to the Spring 2011 date depending upon weather conditions.

Council Member Hansen made a motion, second by Council Member Johnson, to approve plans and specifications and authorize advertisement for bids for DeBenedetti Park - Phase I Improvements.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, and Mayor Katzakian

Noes: None

Absent: Mayor Pro Tempore Hitchcock

D-6 Approve Plans and Specifications and Authorize Advertisement for Bids for 2010 Alley Reconstruction Project (PW)

Approved the plans and specifications and authorized advertisement for bids for 2010 Alley Reconstruction Project.

D-7 Set Public Hearing for February 3, 2010, to Consider the Approval of the Action Plan Amendment for the Reallocation of Available Community Development Block Grant and Community Development Block Grant - Recovery Program Funding (CD)

Set public hearing for February 3, 2010, to consider the approval of the Action Plan amendment for the reallocation of available Community Development Block Grant and Community Development Block Grant - Recovery Program funding.

E. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES. The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted. Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Gene Endicott, representing the State High Speed Train project, provided information regarding high speed rail including public scoping meetings, project alternatives, environmental impact aspects, proposed routes, station proposals, first meeting on January 20, 2009, in Stockton at the San Joaquin Council of Governments, and the process associated with the review of the project.

F. Comments by the City Council Members on Non-Agenda Items

Council Member Johnson provided statistical information regarding the population and length of Council meetings for Stockton and Lodi.

G. Comments by the City Manager on Non-Agenda Items

City Manager King provided an overview of the "Talk to Lodi" feature on the City website and discussed enhanced landscaping options for the Lodi Avenue project at the intersection of Lodi Avenue and Cherokee Lane.

H. Public Hearings - None

I. Communications

I-1 Claims Filed Against the City of Lodi - None

I-2 Appointments - None

I-3 Miscellaneous - None

J. Regular Calendar

J-1 Authorize the City Manager to Engage Lamont Financial Services and Stone and Youngberg LLC for Professional Services Related to Financing the Mokelumne Water Treatment Plant and Adopt Resolution Declaring Intent to Reimburse Certain Expenditures from Proceeds of Indebtedness (CM) NOTE: This item is carried over from the meeting of 12/16/09

City Manager King provided a brief presentation regarding the selection of firms associated with the financial aspects of constructing the water treatment plant, proposed services to be provided by Lamont Financial Services and Stone and Youngberg, the proposed costs associated with retaining the services, and recommended action authorizing the City Manager to engage the firms for the proposed financial services.

In response to Mayor Katzakian, Public Works Director Wally Sandelin stated the permitting process goes through Department of Public Health and it is expected that the permitting process will be completed by July 2010.



In response to Council Member Johnson, Mr. King stated that the ability to bank water is contingent upon Woodbridge Irrigation District approval and there is some indication that the approval will not be forth coming because there is some question of whether the banked water is being put to a beneficial use.

In response to Council Member Johnson, Mr. King stated that, prior to a bond being issued, there would need to be some determination of the mechanism to be used for assessing the cost to new development such as an impact fee and/or connection charge.

In response to Mayor Katzakian, Mr. King stated the fees collected would go to the Water Fund and to actual debt service.

In response to Council Member Johnson, Mr. King stated it is anticipated that the impact fee and connection charge would go to the Water Fund, the exact amount of the debt service over an extended time period would not be known to anyone in light of market conditions, and marketability of the bond would be affected if debt service is written into the debt instrument itself.

Council Member Mounce stated she will not be supporting the recommended action because she does not believe it is the right time to borrow and incur additional debt service.

In response to Council Member Hansen, Mr. King stated a rate model would need to be shown to illustrate the ability to pay for the bond.

In response to Council Member Hansen, Mr. Sandelin confirmed the cost was between the \$30 million and \$35 million range, although the bid could come in for less due to the economy and favorable bid climate expected through 2010.

In response to Council Member Mounce, Mr. Sandelin confirmed there was a 73% wastewater rate increase previously, the rate model for water is being worked on, and staff is continuing to work on related impacts.

Council Member Johnson made a motion, second by Council Member Hansen, to authorize the City Manager to engage Lamont Financial Services and Stone and Youngberg LLC for professional services related to financing the Mokelumne Water Treatment Plant and adopted Resolution No. 2010-01 declaring intent to reimburse certain expenditures from proceeds of indebtedness.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, and Mayor Katzakian

Noes: Council Member Mounce

Absent: Mayor Pro Tempore Hitchcock

J-2 Receive Advisory Water and Wastewater Usage-Based Rates for the Purpose of Research and Customer Comparison (PW) NOTE: This item is carried over from the meeting of 12/16/09

City Manager King briefly introduced the subject matter of the advisory water and wastewater usage-based rates.

Public Works Director Wally Sandelin and Robert Reed provided a PowerPoint presentation regarding advisory water and wastewater usage-based rates. Specific topics of discussion included usage-based rates, key rate structure issues, proposed water rates, proposed

wastewater rates, and the rate implementation process.

In response to Council Member Hansen, Mr. Reed stated the winter months are used to estimate indoor water usage generally, although some property owners still have their sprinklers on during the winter.

In response to Council Member Hansen, Mr. Reed stated they look at bell curve information for excess cut off purposes during the July and August months.

In response to Council Member Hansen, Mr. Reed stated the City is trying to be revenue neutral on water meters by collecting the cost associated with providing the service and not generating additional income. Mr. King stated the rates need to be revenue neutral to pay for the service and not the commodity, the three tiers reward the most frugal usage, on average residents will be paying close to what they pay now, and there is an assumption that people will reduce their overall usage.

In response to Council Member Hansen, Mr. Reed stated data is collected monthly, review of usage and rates should happen annually, there is a self-adjusting mechanism in the rates, and no profit can be made in utility legally.

In response to Council Member Mounce, Mr. Reed stated 95% to 98% of residents will have a 3/4 pipe while the remaining larger lots could have larger pipes.

In response to Council Member Johnson, Mr. Reed stated the charge is greater with the larger pipes because the capacity of water varies with larger pipes, there is an ability to put a bigger demand on service, the usage is generally industrial based, and the infrastructure facility is also covered by meter charges.

In response to Council Member Johnson, Mr. Sandelin stated the fixed-rate component pays for the system and the system is designed to facilitate the needs of the operations of the utility.

In response to Mayor Katzakian, Mr. Sandelin confirmed most residents have a 3/4 pipe and there is an ability to change it out to upgrade and/or downsize.

Robin Rushing spoke in regard to his concerns about how the three-tier rate system is designed to work.

In response to Mayor Katzakian, Mr. King stated staff will be monitoring cash flow for the winter months consumption since revenue generation is neutral.

J-3 Authorize City Manager to Execute Addendum to the 2007-2011 Memorandum of Understanding between the City of Lodi and the Police Officers Association of Lodi Bargaining Unit (CM) NOTE: This item is carried over from the meeting of 12/16/09

City Manager King provided a brief overview of the proposed recommended action and discussed the opening of the Memorandum of Understanding based on the fact that the General Fund did not grow by 1% and commended the police officers for their efforts to assist during the challenging fiscal times.

Human Resources Manager Dean Gualco specifically discussed the terms of the agreement, including those associated with clarifying language for hours of work, uniform allowance, holiday leave, cash in-lieu of deferred compensation, and tuition reimbursement.

Council Member Mounce made a motion, second by Council Member Hansen, to authorize the

City Manager to execute addendum to the 2007-2011 Memorandum of Understanding between the City of Lodi and the Police Officers Association of Lodi bargaining unit.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, and Mayor Katzakian

Noes: None

Absent: Mayor Pro Tempore Hitchcock

J-4 Receive Presentation Regarding the Draft Environmental Impact Report and Draft General Plan (CD)

City Manager King briefly introduced the subject matter of the Draft Environmental Impact Report (DEIR) and General Plan Update.

Interim Community Development Director Rad Bartlam provided a PowerPoint presentation regarding the Lodi DEIR and General Plan. Specific topics of discussion included the agenda, purpose, topics evaluated, impacts, DEIR alternatives, Alternative A, Alternative B, No Project Alternative, General Plan land use map, General Plan update and themes, Planning Commission action, and the next steps.

In response to Council Member Hansen, Mr. Bartlam stated that, regardless of the policies, including those associated with land use, traffic, climate action plans, etc., which are being prepared for possible viable mitigation, the City will still be left with significant and unavoidable impacts as is the case with other cities.

In response to Council Member Johnson, Mr. Bartlam stated the western boundary is not squared off up to Turner Road because the area to the north of Turner Road has some flood issues and there is no street connectivity south of Turner Road.

In response to Council Member Hansen, Mr. Bartlam stated narrower street dimensions in future developments are not covered specifically in the General Plan, rather there is a general look at the walkable, livable neighborhoods. Mr. Bartlam stated that issue will likely come back to the Planning Commission as a part of the Development Code.

In response to Council Member Mounce, Mr. Bartlam stated the Planning Commission made a recommendation to approve the General Plan with modifications providing for gated neighborhoods in certain cases and cul de sacs were neither prohibited nor encouraged.

In response to Council Member Mounce, Mr. Sandelin stated that, based on growth and mandates, the treatment plant will have reserved enough options for General Plan build out purposes.

In response to Council Member Mounce, Mr. Bartlam stated he is not sure of the genesis of the citizen comment pertaining to relocating residents and building a hotel in the downtown area. He stated generally downtown policies become a little bit more flexible as a result of the General Plan policies.

In response to Council Member Hansen, Mr. Bartlam stated the public involvement is limited possibly due to the document being sufficient and the document itself being esoteric.

In response to Council Member Hansen, Mr. Bartlam confirmed that the General Plan information would be coming back to the Council in late February or early March. Mr. King stated if there are

any changes Council would like to see, staff would appreciate hearing about them sooner than later.

Bruce Fry spoke in regard to the PRR designation below Harney Road, property owners prefer the Alternative A option, agricultural mitigation, and additional written comments will be submitted on behalf of the property owners in the area.

In response to Council Member Johnson, Mr. Bartlam stated the 1 to 1 ratio is standard throughout the County. Mr. Fry stated the ratio may need to be different in higher valued property areas and property owners previously entered into an agreement for improvements with the City pertaining to future development south of Harney Lane.

In response to Council Member Hansen, Mr. Fry stated the property owners have always wanted the PRR designation to remain in the General Plan. Mr. Sandelin stated a study resulted in a design change to the lift station on Harney Lane and the previous agreement with the property owners did not extend the service line beyond Harney Lane.

In response to Council Member Johnson, Mr. Sandelin stated the service line and lift with minimal modifications maximizes the current Harney Lane area.

In response to Council Member Hansen, Mr. Bartlam stated the sphere of influence is different than the study area because the study area does not have any legal meaning, whereas a sphere of influence specifically designates with the Local Agency Formation Commission (LAFCO) an area that the City intends to grow in.

In response to Council Member Hansen, Mr. Bartlam stated the study area was designated from Highway 99 to I-5 and a half mile north and south to Armstrong Road, which goes up to Stockton's area.

In response to Council Member Hansen, Mr. Bartlam stated it is difficult to answer how to prevent cities from being right next to each other and what is the appropriate amount of space between cities, as that would be determined by policy of the specific community.

In response to Mayor Katzakian, Mr. Bartlam stated the urban reserve and sphere of influence are different concepts and an application will be made to LAFCO after the General Plan process is complete.

J-5 Authorize City Manager to Execute Addendum to the 2008-2009 Memorandum of Understanding between the City of Lodi and the Lodi City Mid-Management Association (CM)

Council Member Mounce made a motion, second by Council Member Johnson, to continue the item to a date uncertain as both a closed session and regular calendar item.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, and Mayor Katzakian

Noes: None

Absent: Mayor Pro Tempore Hitchcock

J-6 Approve Legal Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation (\$1,435.44) (CA)

Council Member Johnson made a motion, second by Council Member Mounce, to approve legal expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation in the amount of \$1,435.44, as further detailed in the staff report.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, and Mayor Katzakian

Noes: None

Absent: Mayor Pro Tempore Hitchcock

K. Ordinances - None

L. Reorganization of the Following Agency Meetings: Lodi Public Improvement Corporation (LPIC), Industrial Development Authority (IDA), Lodi Financing Corporation (LFC), and City of Lodi Redevelopment Agency (RDA)

Council Member Johnson made a motion, second by Council Member Mounce, to adopt the following agency resolutions:

Resolution No. LPIC2010-01 electing officers of the Lodi Public Improvement Corporation;

Resolution No. IDA-31 amending Resolution No. IDA-30 by electing new officers of the Industrial Development Authority;

Resolution No. LFC-19 electing officers of the Lodi Financing Corporation; and

Resolution No. RDA2010-01 electing officers of the City of Lodi Redevelopment Agency and waiving compensation for the January 6, 2010, meeting.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, and Mayor Katzakian

Noes: None

Absent: Mayor Pro Tempore Hitchcock

M. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 10:32 p.m.

ATTEST:

Randi Johl  
City Clerk

**LODI CITY COUNCIL  
SHIRTSLEEVE SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, JANUARY 12, 2010**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, January 12, 2010, commencing at 7:01 a.m.

Present: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Absent: None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. Topic(s)

B-1 Discussion of On-Street Parking Regulations for Motor Homes (CA)

City Manager King briefly introduced the subject matter of on-street parking regulations for motor homes.

City Attorney Schwabauer provided a presentation regarding on-street parking regulations for motor homes. Specific topics of discussion included a request by Council to bring the matter to Council for consideration, the ability of cities to regulate parking on local streets, placement of time limitations, requirement to have some measure of notice, postings along entrances to the City, clear signage reflecting when and where parking may occur, prohibition against electrical hook-ups by current encroachment rules, and measures other cities have put in place including having a standard time limit such as 72 hours, requiring vehicles to be gone from the location for a specific period of time in addition to the 72-hour standard, and a permitting system which may be web-based to alleviate administrative burdens.

In response to Council Member Hansen, Mr. Schwabauer stated that, based on case law and Vehicle Code Section 22507, adequate notice must be given as determined by a study or in the alternative all entrances to the City may be posted.

In response to Myrna Wetzel, Mr. Schwabauer stated a permit would apply to a particular address and it would be incumbent upon the owners to obtain a permit for a visiting relative.

In response to Council Member Johnson, Community Improvement Supervisor Jaime Aldred stated she is aware of only two complaints pertaining to motor homes and one of them was related to an off-street parking occurrence whereby a vehicle was parked in a backyard but was in compliance with the 30-day rule.

In response to Mayor Katzakian, Mr. Schwabauer stated the current ordinance limits all on-street parking to 72 hours, after which time the vehicle must be moved.

In response to Mayor Pro Tempore Hitchcock, Mr. Schwabauer stated complaints have not been made directly to the City Attorney's office, but confirmed that there may have been some complaints over the years pertaining to residences near Kristmont, Virginia, and Crescent Streets.

In response to Council Member Hitchcock, Mr. King stated indirect complaints and telephone calls that are received by the departments are generally not recorded and tracked and follow-up is based on the general pulse of the issue.

In response to Mayor Pro Tempore Hitchcock, Mr. Schwabauer stated the three ways communities are handling this issue appear to be a 72-hour standard after which the vehicle must be moved, the 72-hour standard with a specific time frame for when the vehicle cannot come back to that location, and a permitting system, which can be web-based.

In response to Council Member Hansen, Mr. Schwabauer confirmed there may be some complaints that are meritless whereby the neighbors call and complain about each other because they are not fond of one another.

In response to Council Member Johnson, Ms. Aldred stated the only chronic offender she is aware of is the one on Virginia Street who has been ticketed previously.

In response to Council Member Mounce, Mr. Schwabauer stated the challenge remains with investigating and proving a violation and an ordinance could be created which specifically prohibits the return of the vehicle for a certain time period.

In response to Council Member Hansen, Mr. Schwabauer stated the current camping ordinance prohibits living in a camp or vehicle, unless it is on a licensed site or in a backyard for the 30-day period, and an impound feature could be added to the ordinance.

In response to Council Member Mounce, Mr. Schwabauer stated an ordinance could allow people to sleep in the vehicle for up to 72 hours if so desired.

In response to Council Member Hansen, Ms. Aldred stated the biggest challenge is proving that someone is in fact living in a vehicle, the on-street complaints are generally handled by the Partners, and the off-street complaints are handled by Community Improvement and logged accordingly.

City Manager King confirmed that staff will gather additional information pertaining to the nature and size of the issue, possible solutions including permitting options, and provide that information to Council.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 7:47 a.m.

ATTEST:

Randi Johl  
City Clerk



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Approve Specifications and Authorize Advertisement for Bids for Pad-Mounted Liquid-Insulated Vacuum Switchgear (EUD)

**MEETING DATE:** January 20, 2010

**PREPARED BY:** Interim Electric Utility Director

---

**RECOMMENDED ACTION:** Approve specifications and authorize advertisement for bids for pad-mounted liquid-insulated vacuum switchgear.

**BACKGROUND INFORMATION:** Providing electric service to Phase I of DeBenedetti Park will require two pad-mounted liquid-insulated switchgear. EUD also requires one spare switchgear to ensure reliable service through prompt replacement, when needed, to Blue Shield and other customers. Switchgear is the combination of electrical disconnects, fuses, and/or circuit breakers used to isolate electrical load. As the park develops more equipment will be needed.

Staff requests City Council approval of the specifications, on file at the Electric Utility Department, and authorization to advertise for bids for the procurement of three pad-mounted liquid-insulated vacuum switchgear.

**FISCAL IMPACT:** Estimated \$70,000 for the two switchgear serving DeBenedetti Park. Estimated \$45,000 for the spare switchgear, charged to Electric Fund inventory.

**FUNDING AVAILABLE:** Account No. 161651: \$40,000  
Transfer from the Electric Reserve Fund: \$75,000

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Jordan Ayers  
Deputy City Manager/Internal Services Director

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Kenneth A. Weisel  
Interim Electric Utility Director

**PREPARED BY:** Demy Bucaneg, Jr., P.E., Assistant Electric Utility Director

KW/DB/lt

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager





## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:**      **Approve the Following Actions Related to the Purchase and Installation of Automated Residential Electric Meters: 1) Adopt a Resolution Authorizing the City Manager to Purchase ITRON Solid-State Meters from General Pacific of Portland, Ore., and Appropriate Funds (\$360,000); 2) Approve Installation Specifications; and 3) Authorize Advertisement for Bids for Installation of Automated Residential Electric Meters (EUD)**

**MEETING DATE:**      **January 20, 2010**

**PREPARED BY:**      **Interim Electric Utility Director**

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**RECOMMENDED ACTION:**      Approve the following actions related to the purchase and installation of automated residential electric meters: 1) adopt a resolution authorizing the City Manager to purchase ITRON Solid-State Meters from General Pacific of Portland, Ore., and appropriate funds (\$360,000); 2) approve installation specifications; and 3) authorize advertisement for bids for installation of automated residential electric meters.

**BACKGROUND INFORMATION:**      On April 6, 2005, the City Council approved the standardization of solid-state electric meters for residential and small commercial customers with ITRON (Resolution 2005-54). General Pacific is the exclusive supplier for these meters.

The automated solid-state meters allow the Electric Utility Department to read meters remotely, reducing the time needed to collect customer data for monthly bills and eliminating the need to enter customers' property in most cases. Continued use of ITRON meters is required for compatibility of meter reading receivers.

The Electric Utility Department has installed ITRON automated meters at residences since 2006, and will have approximately 12,000 installed by early March when the current stock is used up and the current installation contract is completed. Completing installation at residences and single-phase small commercial customers will require another 12,000 meters. Approving these recommended actions will allow the utility to purchase and install another 5,500 meters during Fiscal Year 2009/10. The remaining 6,500 residential and small commercial G1 single-phase meters will be purchased during FY 2010/11. The City Council will be asked to appropriate funds for those 6,500 meters in the FY 2010/11 budget.

Because of the administrative efficiency and potential cost-savings from a single installation contract, the City Council is asked to authorize advertising for bids to install the remaining 12,000 meters between now and the end of FY 2010/11. Also, while the purchase of the 5,500 meters will occur in FY 2009/10, the installation period may extend into FY 2010/11. The City Council will be asked to appropriate funds for installation at the bid award.

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

Approve the Following Actions Related to the Purchase and Installation of Automated Residential Electric Meters: 1) Adopt a Resolution Authorizing the City Manager to Purchase ITRON Solid-State Meters from General Pacific of Portland, Ore., and Appropriate Funds (\$360,000); 2) Approve Installation Specifications; and 3) Authorize Advertisement for Bids for Installation of Automated Residential Electric Meters (EUD)  
January 20, 2010  
Page 2 of 2

**FISCAL IMPACT:** \$360,000 for purchase of 5,500 meters. Up to \$130,000 for installation of 12,000 meters in FY 2009/10 and FY 2010/11. Long-term savings will result from automated meter reading.

**FUNDING:** Meter purchases will come from Electric Fund Account 160613.7712. Installation will be paid from Electric Fund Account 161000.1825

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Jordan Ayers  
Deputy City Manager/Internal Services Director

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Kenneth A. Weisel  
Interim Electric Utility Director

**PREPARED BY:** Demy Bucaneg, Jr., P.E., Assistant Electric Utility Director  
Kevin Bell, Electric Utility Rate Analyst

KAW/DB/KB/lst

RESOLUTION NO. 2010-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING PURCHASE OF SOLID-STATE METERS  
FOR RESIDENTIAL AND SMALL COMMERCIAL  
APPLICATIONS

=====

WHEREAS, the City Council adopted Resolution No. 2005-64 on April 6, 2005, standardizing the use of solid-state meters of ITRON, Inc., of Spokane, Washington, for residential and small commercial customers; and

WHEREAS, EUD has been installing ITRON electric meters since 2006 and would install an additional 5,500 meters during Fiscal Year 2009-10; and

WHEREAS, Staff recommends the purchase of 5,500 ITRON solid-state meters with Interval Data Module (IDM) R300 from General Pacific, the exclusive representative of ITRON in an amount not to exceed \$360,000.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the purchase of 5,500 ITRON solid-state meters with IDM R300 for residential and small commercial applications from General Pacific, in an amount not to exceed \$360,000 and appropriate funds for the purchase.

Dated: January 20, 2010

=====

I hereby certify that Resolution No. 2010-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 20, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2010-\_\_\_\_\_



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Awarding Contract for Water Main Replacement Program, Project No. 3, to D.A. Wood Construction, Inc., of Empire (\$707,516) and Appropriating Funds (\$850,000)

**MEETING DATE:** January 20, 2010

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt a resolution awarding the contract for the Water Main Replacement Program, Project No. 3, to D.A. Wood Construction, Inc., of Empire, in the amount of \$707,516 and appropriating funds in the amount of \$850,000.

**BACKGROUND INFORMATION:** This project consists of installing approximately 6,890 linear feet of 6-inch and 8-inch water main, 143 new water services, and other incidental and related work, all as shown on the plans and specifications for "Water Main Replacement Program, Project No. 3".

This project has been in design for the past year and is the next phase of the Water Main Replacement Program. The remaining water main replacements will be designed and constructed in concert with the Water Meter Program to be delivered by City staff and the City's consultant, RMC Water and Environment.

Water meter installations are included in Project No. 3. The cost of the service and water meter installation, per City Council policy, will be reimbursed by the property owners. The amount reimbursed by the property owners will include the cost of design, construction, and construction administration. Property owners will be billed upon City Council acceptance of the improvements and in accordance with the Meter Program Financing Plan to be presented to the City Council in March 2010. Property owners within the Project No. 3 area are not eligible for the self-installation option.

The total project cost is estimated to be \$850,000, which includes engineering, inspection, construction administration and contingencies. The property owners' service and water meter installation cost ranges from \$540 (four properties) to \$1,200 (139 properties). There are 143 properties within the Project No. 3 area, as shown on Exhibit A, and the total reimbursement will be \$168,960.

Plans and specifications for this project were approved on November 4, 2009. The City received the following 18 bids for this project on December 1, 2009. Construction is expected to begin in March 2010 and be completed by November 2010.

| Bidder                       | Location | Bid           |
|------------------------------|----------|---------------|
| Engineer's Estimate          |          | \$ 911,025.00 |
| D.A. Wood Construction, Inc. | Empire   | \$ 707,516.00 |

APPROVED: \_\_\_\_\_  
Blair King, City Manager

| Bidder                           | Location       | Bid             |
|----------------------------------|----------------|-----------------|
| Teichert Construction            | Stockton       | \$ 808,220.00   |
| Knife River Construction         | Stockton       | \$ 817,684.00   |
| Clyde Wheeler Pipeline, Inc.     | Oakdale        | \$ 822,350.50   |
| Preston Pipeline, Inc.           | Milpitas       | \$ 824,737.00   |
| Mozingo Construction, Inc.       | Oakdale        | \$ 836,126.00   |
| Campbell Construction, Inc.      | Sparks, NV     | \$ 856,681.00   |
| Carl Crutchfield Construction    | Stockton       | \$ 1,025,478.00 |
| Martin General Engineering, Inc. | Rancho Cordova | \$ 1,038,235.00 |
| Arrow Construction               | Sacramento     | \$ 1,050,379.50 |
| North Bay Construction, Inc.     | Petaluma       | \$ 1,051,088.00 |
| Evans Brothers, Inc.             | Livermore      | \$ 1,061,303.00 |
| Cal Sierra Construction, Inc.    | Carmichael     | \$ 1,063,260.00 |
| G&L Brock Construction Company   | Stockton       | \$ 1,103,907.00 |
| Argonaut Constructors            | Santa Rosa     | \$ 1,117,434.00 |
| North Star Construction          | Yuba City      | \$ 1,124,670.00 |
| Ford Construction Company, Inc.  | Lodi           | \$ 1,221,609.00 |
| J&M, Inc.                        | Livermore      | \$ 1,264,300.50 |

**FISCAL IMPACT:** There will be a decrease of maintenance and repair cost due to the new water mains in the area.

**FUNDING AVAILABLE:** Requested Appropriation: Water Fund Account (181): \$850,000

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Jordan Ayers  
Deputy City Manager/Internal Services Director

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F. Wally Sandelin  
Public Works Director

Prepared by Lyman Chang, Senior Civil Engineer

FWS/LC/pmf

Attachment

cc: City Attorney  
Purchasing Officer  
Water Services Manager  
Senior Civil Engineer Chang

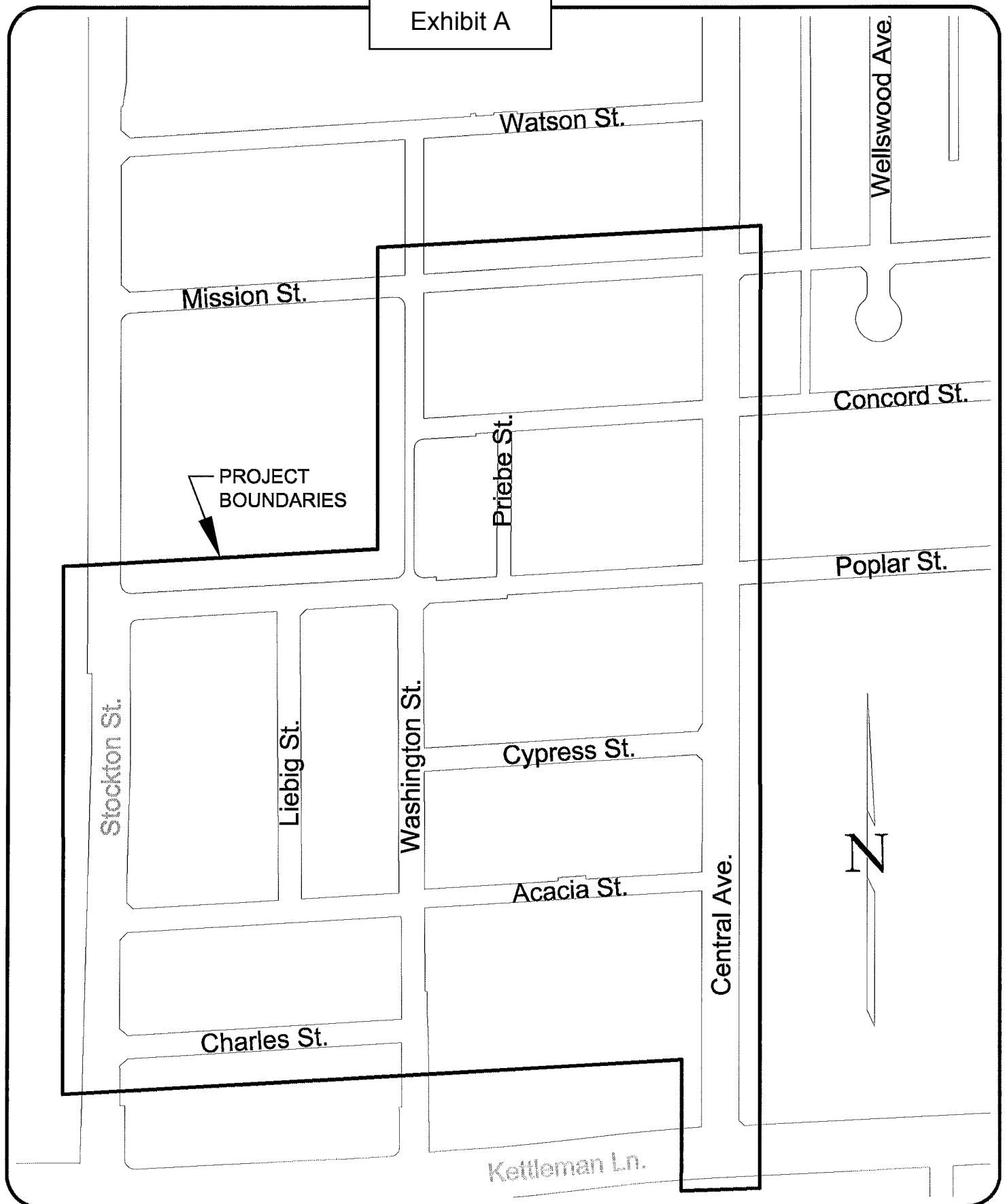


# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## EASTSIDE PROJECT NO. 3 WATER MAIN REPLACEMENT PROJECT BOUNDARY

Exhibit A



**WATER MAIN REPLACEMENT PROGRAM  
PROJECT NO. 3**

**CONTRACT**

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CITY OF LODI, CALIFORNIA

THIS CONTRACT made by and between the CITY OF LODI, State of California, herein referred to as the "City," and D.A. WOOD CONSTRUCTION, INC., herein referred to as the "Contractor."

**WITNESSETH:**

That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other, as follows:

The complete Contract consists of the following documents which are incorporated herein by this reference, to-wit:

|                        |                                     |
|------------------------|-------------------------------------|
| Notice Inviting Bids   | The July 2002 Edition,              |
| Information to Bidders | Standard Specifications,            |
| General Provisions     | State of California,                |
| Special Provisions     | Business and Transportation Agency, |
| Bid Proposal           | Department of Transportation        |
| Contract               |                                     |
| Contract Bonds         |                                     |
| Plans                  |                                     |

All of the above documents, sometimes hereinafter referred to as the "Contract Documents," are intended to cooperate so that any work called for in one and not mentioned in the other is to be executed the same as if mentioned in all said documents.

ARTICLE I - That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the City and under the condition expressed in the two bonds bearing even date with these presents and hereunto annexed, the Contractor agrees with the City, at Contractor's cost and expense, to do all the work and furnish all the materials except such as are mentioned in the specifications to be furnished by the City, necessary to construct and complete in a good workmanlike and substantial manner and to the satisfaction of the City the proposed improvements as shown and described in the Contract Documents which are hereby made a part of the Contract.

ARTICLE II - The City hereby promises and agrees with the Contractor to employ, and does hereby employ, the Contractor to provide all materials and services not supplied by the City and to do the work according to the terms and conditions for the price herein, and hereby contracts to pay the same as set forth in Section 5.600, "Measurement, Acceptance and Payment," of the General Provisions, in the manner and upon the conditions above set forth; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

ARTICLE III - The Contractor agrees to conform to the provisions of Chapter 1, Part 7, Division 2 of the Labor Code. The Contractor and any Subcontractor will pay the general prevailing wage rate and other employer payments for health and welfare, pension, vacation, travel time, and subsistence pay, apprenticeship or other training programs. The responsibility for compliance

compliance with these Labor Code requirements is on the prime contractor.

ARTICLE IV - And the Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this agreement; also for all loss or damage arising out of the nature of the work aforesaid or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the City, and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work and for well and faithfully completing the work, and the whole thereof, in the manner and according to the Plans and Contract Documents and the requirements of the Engineer under them, to-wit:

Perform the work necessary to installing approximately 6,890 linear feet of 6-inch and 8-inch water main, 142 water services, and other incidental and related work, all as shown on the plans and specifications for "Water Main Replacement Program Project No. 3".

ITEMS

| ITEM NO. | DESCRIPTION                                   | UNIT | EST'D. QTY | UNIT PRICE   | TOTAL PRICE   |
|----------|-----------------------------------------------|------|------------|--------------|---------------|
| 1.       | Traffic Control                               | LS   | 1          | \$ 18,875.00 | \$ 18,875.00  |
| 2.       | Construction Notification                     | LS   | 1          | \$ 3,300.00  | \$ 3,300.00   |
| 3.       | Excavation Safety                             | LS   | 1          | \$ 3,675.00  | \$ 3,675.00   |
| 4.       | Storm Water Pollution Control Plan            | LS   | 1          | \$ 14,000.00 | \$ 14,000.00  |
| 5.       | Install 6-Inch Water Pipe                     | LF   | 1,773      | \$ 35.00     | \$ 62,055.00  |
| 6.       | Install 6-Inch Ductile Iron Water Pipe        | LF   | 275        | \$ 70.00     | \$ 19,250.00  |
| 7.       | Install 8-Inch Water Pipe                     | LF   | 4,841      | \$ 41.00     | \$ 198,481.00 |
| 8.       | Install 6-Inch Water Valve                    | EA   | 17         | \$ 1,200.00  | \$ 20,400.00  |
| 9.       | Install 8-Inch Water Valve                    | EA   | 15         | \$ 1,425.00  | \$ 21,375.00  |
| 10.      | Install 1-Inch Water Service (New Water Main) | EA   | 122        | \$ 725.00    | \$ 88,450.00  |



| ITEM NO. | DESCRIPTION                                                             | UNIT | EST'D. QTY | UNIT PRICE  | TOTAL PRICE  |
|----------|-------------------------------------------------------------------------|------|------------|-------------|--------------|
| 11.      | Install 1-Inch Water Service (Existing Water Main)                      | EA   | 17         | \$ 750.00   | \$ 12,750.00 |
| 12       | Install 1-1/2-Inch Water Service (New Water Main)                       | EA   | 2          | \$ 1,550.00 | \$ 3,100.00  |
| 13.      | Upgrade Existing Service with Meter Box                                 | EA   | 4          | \$ 170.00   | \$ 680.00    |
| 14.      | Traffic Rated Water Meter Box Surcharge                                 | EA   | 4          | \$ 1,000.00 | \$ 4,000.00  |
| 15.      | Install 1-Inch Water Service Lateral (No Meter Box)                     | EA   | 6          | \$ 540.00   | \$ 3,240.00  |
| 16.      | Install 1-1/2-Inch Water Service Lateral (No Meter Box)                 | EA   | 3          | \$ 710.00   | \$ 2,130.00  |
| 17.      | Install City Furnished 3/4-Inch Water Meter w/ERT in Existing Meter Box | EA   | 57         | \$ 50.00    | \$ 2,850.00  |
| 18.      | Connect Water Service to Building (Up to 50LF)                          | EA   | 151        | \$ 475.00   | \$ 71,725.00 |
| 19.      | Connect Water Service to Building (>50LF)                               | EA   | 4          | \$ 1,885.00 | \$ 7,540.00  |
| 20.      | Hot Tap Existing Water Main                                             | EA   | 1          | \$ 3,500.00 | \$ 3,500.00  |
| 21.      | Install Fire Hydrant Assembly                                           | EA   | 8          | \$ 2,075.00 | \$ 16,600.00 |
| 22.      | Reset Fire Hydrant Assembly                                             | EA   | 2          | \$ 1,020.00 | \$ 2,040.00  |
| 23.      | Furnish 3/4-Inch Water Meter and Electronic Radio Transponder           | EA   | 200        | \$ 300.00   | \$ 60,000.00 |

| ITEM NO. | DESCRIPTION                                                           | UNIT | EST'D. QTY | UNIT PRICE   | TOTAL PRICE   |
|----------|-----------------------------------------------------------------------|------|------------|--------------|---------------|
| 24.      | Replace Broken Customer Valve                                         | EA   | 10         | \$ 100.00    | \$ 1,000.00   |
| 25.      | Meter Alignment Adjustment and Meter Box and Lid (Existing Meter Box) | LS   | 1          | \$ 5,000.00  | \$ 5,000.00   |
| 26.      | Abandon Water System                                                  | LS   | 1          | \$ 61,500.00 | \$ 61,500.00  |
| TOTAL    |                                                                       |      |            |              | \$ 707,516.00 |

ARTICLE V - By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code, which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

ARTICLE VI - It is further expressly agreed by and between the parties hereto that, should there be any conflict between the terms of this instrument and the Bid Proposal of the Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

ARTICLE VII - The City is to furnish the necessary rights-of-way and easements and to establish lines and grades for the work as specified under the Special Provisions. All labor or materials not mentioned specifically as being done by the City will be supplied by the Contractor to accomplish the work as outlined in the specifications.

ARTICLE VIII - The Contractor agrees to commence work pursuant to this contract within 15 calendar days after the City Manager has executed the contract and to diligently prosecute to completion within 70 WORKING DAYS.

WHEN SIGNING THIS CONTRACT, THE CONTRACTOR AGREES THAT THE TIME OF COMPLETION FOR THIS CONTRACT IS REASONABLE AND THE CONTRACTOR AGREES TO PAY THE CITY LIQUIDATED DAMAGES AS SET FORTH IN SECTION 6-04.03 OF THE SPECIAL PROVISIONS. CONTRACTOR AGREES THAT THIS AMOUNT MAY BE DEDUCTED FROM THE AMOUNT DUE THE CONTRACTOR UNDER THE CONTRACT.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands the year and date written below.

CONTRACTOR:

CITY OF LODI

\_\_\_\_\_

By: \_\_\_\_\_

Blair King  
City Manager

By: \_\_\_\_\_

Date: \_\_\_\_\_

Attest:

\_\_\_\_\_

Title

\_\_\_\_\_

City Clerk

(CORPORATE SEAL)

Approved As To Form

\_\_\_\_\_  
D. Stephen Schwabauer  
City Attorney



RESOLUTION NO. 2010-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING  
CONTRACT FOR WATER MAIN REPLACEMENT PROGRAM,  
PROJECT NO. 3 AND FURTHER APPROPRIATING FUNDS

=====

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on December 1, 2009, at 11:00 a.m. for the Water Main Replacement Program, Project No. 3, described in the plans and specifications therefore approved by the City Council on November 4, 2009; and

WHEREAS, said bids have been checked and tabulated and a report thereof filed with the City Manager as follows:

| <b>Bidder</b>                    | <b>Bid</b>     |
|----------------------------------|----------------|
| D.A. Wood Construction, Inc.     | \$ 707,516.00  |
| Teichert Construction            | \$ 808,220.00  |
| Knife River Construction         | \$ 817,684.00  |
| Clyde Wheeler Pipeline, Inc.     | \$ 822,350.50  |
| Preston Pipeline, Inc.           | \$ 824,737.00  |
| Mozingo Construction, Inc.       | \$ 836,126.00  |
| Campbell Construction, Inc.      | \$ 856,681.00  |
| Carl Crutchfield Construction    | \$1,025,478.00 |
| Martin General Engineering, Inc. | \$1,038,235.00 |
| Arrow Construction               | \$1,050,379.50 |
| North Bay Construction, Inc.     | \$1,051,088.00 |
| Evans Brothers, Inc.             | \$1,061,303.00 |
| Cal Sierra Construction, Inc.    | \$1,063,260.00 |
| G&L Brock Construction Company   | \$1,103,907.00 |
| Argonaut Constructors            | \$1,117,434.00 |
| North Star Construction          | \$1,124,670.00 |
| Ford Construction Company, Inc.  | \$1,221,609.00 |
| J&M, Inc.                        | \$1,264,300.50 |

WHEREAS, staff recommends awarding the contract for the Water Main Replacement Program, Project No. 3, to the low bidder, D.A. Wood Construction, Inc., of Empire, California.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby award the contract for the Water Main Replacement Program, Project No. 3, to the low bidder, D.A. Wood Construction, Inc., of Empire, California, in the amount of \$707,516; and

BE IT FURTHER RESOLVED that funds in the amount of \$850,000 be appropriated from the Water Fund.

Dated: January 20, 2010

=====

I hereby certify that Resolution No. 2010-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 20, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Adopt Resolution Approving Submittal of the Program Expenditure Plan to San Joaquin Council of Governments (SJCOG) and Caltrans for Proposition 1B Transit Program Funds and Authorizing Transportation Manager to Submit All Necessary Paperwork

**MEETING DATE:** January 20, 2010

**PREPARED BY:** Public Works Director

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**RECOMMENDED ACTION:** Adopt a resolution approving the submittal of the Program Expenditure Plan to San Joaquin Council of Governments (SJCOG) and Caltrans for Proposition 1B transit program funds and authorizing the Transportation Manager to submit all necessary paperwork.

**BACKGROUND INFORMATION:** With the voter approval of Proposition 1B, several classifications of funding were established by the California Legislature. One of the funding programs, Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA), provides funds for capital improvements. Assembly Bill (AB) 1072 (effective October 11, 2009) established the PTMISEA funding process. In accordance with AB 1072, PTMISEA recipients are required to submit a Program Expenditure Plan to Caltrans Division of Mass Transportation. The Program Expenditure Plan lists the projects using PTMISEA funds for the life of the transportation bond, FY 2009/10 through FY 2016/17. The Program Expenditure Plans are due by February 1, 2010.

The City of Lodi receives PTMISEA funds directly from the State (Caltrans) and, through a discretionary process, from SJCOG. The City of Lodi will receive from Caltrans a total of \$164,145 from FY 2009/10 through FY 2016/17 that the City plans to spend on bus replacements.

SJCOG will receive a program total of approximately \$23 million to distribute at their discretion among eligible transit providers including Lodi, Escalon, Ripon, Tracy, Manteca, the Regional Transit District, and the Regional Rail Commission. Typically, SJCOG and the Interagency Transit Committee collaboratively determine the funding distribution amongst eligible agency applicants. The Lodi portion of that resulting Program Expenditure Plan is presented in Exhibit A. A total of \$2,810,000 of the total \$23 million has been programmed for Lodi. SJCOG received project funding requests totaling over \$38 million.

The Program Expenditure Plan for PTMISEA funds will be presented for approval at the January 28, 2010 SJCOG Board meeting.

A Council resolution for the Program Expenditure Plan is required as part of the submittal packages due by February 1, 2010.

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

**FISCAL IMPACT:** There is no local match requirement for Proposition 1B fund projects. If the selected project does not receive the full amount requested, the project will be postponed until other funds are available. Lack of a Council resolution will eliminate the opportunity to receive funds.

**FUNDING AVAILABLE:** Funding will be made available through this allocation.

---

F. Wally Sandelin  
Public Works Director

Prepared by Paula Fernandez, Transportation Manager/Senior Traffic Engineer

FWS/PJF/pmf

Attachment

cc: Aaron Hoyt, SJCOG



Effective: 10/09

Public Transportation Modernization, Improvement, & Service Enhancement Program (PTMISEA)  
PTMISEA Program Expenditure Plan Worksheet

Sponsor Agency: City of Lodi  
City/County: Lodi/San Joaquin  
Sponsor Contact: Paula Fernandez  
Email: [pfernandez@lodi.gov](mailto:pfernandez@lodi.gov)  
Phone: 209-333-6800 ext. 2667

Total PTMISEA Appropriation: \$2,810,000

| Project Name                | Project Description                                              | PTMISEA Funds by FY |       |           |           |           |             |       |       |             |             | Other Fund Sources |       |       | Total Estimated Project Cost |
|-----------------------------|------------------------------------------------------------------|---------------------|-------|-----------|-----------|-----------|-------------|-------|-------|-------------|-------------|--------------------|-------|-------|------------------------------|
|                             |                                                                  | Prior               | 09/10 | 10/11     | 11/12     | 12/13     | 13/14       | 14/15 | 15/16 | 16/17       | Total       | Federal            | State | Local |                              |
| Automated Farebox - Phase 1 | Vault/Construction/Counting Collection System                    |                     |       | \$150,000 |           |           |             |       |       |             | \$150,000   |                    |       |       | \$150,000                    |
| Automated Farebox - Phase 2 | Fareboxes and software                                           |                     |       |           | \$300,000 |           |             |       |       |             | \$300,000   |                    |       |       | \$300,000                    |
| Bus Replacement             | 12 cutaways and 4 large buses                                    |                     |       |           |           | \$810,000 |             |       |       |             | \$810,000   | \$3,062,302        |       |       | \$3,872,302                  |
| Bus Replacement             | 1 large bus                                                      |                     |       |           |           |           |             |       |       |             |             |                    |       |       | \$500,000                    |
| Lodi Multi-modal Expansion  | Purchase r/w and construct enclosed parking for transit vehicles |                     |       |           |           |           | \$500,000   |       |       | \$1,050,000 | \$1,050,000 |                    |       |       | \$1,050,000                  |
| Totals:                     |                                                                  | \$0                 | \$0   | \$150,000 | \$300,000 | \$0       | \$1,310,000 | \$0   | \$0   | \$1,050,000 | \$2,810,000 | \$3,062,302        | \$0   | \$0   | \$5,872,302                  |
| Total Number of Projects:   |                                                                  | 5                   |       |           |           |           |             |       |       |             |             |                    |       |       |                              |
|                             |                                                                  | PTMISEA Funds by FY |       |           |           |           |             |       |       |             |             |                    |       |       |                              |
|                             |                                                                  | Prior               | 09/10 | 10/11     | 11/12     | 12/13     | 13/14       | 14/15 | 15/16 | 16/17       | Total       | Federal            | State | Local | Total Estimated Project Cost |
|                             |                                                                  | \$0                 | \$0   | \$150,000 | \$300,000 | \$0       | \$1,310,000 | \$0   | \$0   | \$1,050,000 | \$2,810,000 | \$3,062,302        | \$0   | \$0   | \$5,872,302                  |

**Description:**  
Each project sponsor shall complete the above table listing each project to be funded with PTMISEA funds. These projects should represent the sponsor's entire share of PTMISEA funds for the life of the Bond.  
The total amount in the blue highlighted cell (below) should equal the project sponsor's total PTMISEA appropriation (above).

Shaded areas are pre calculated. Please do not change the formulas.

Sponsor Agency Signature :

Date:

Caltrans Signature :

Date:

Exhibit A



RESOLUTION NO. 2010-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING  
SUBMITTAL OF TRANSIT PROGRAM EXPENDITURE PLAN  
TO SAN JOAQUIN COUNCIL OF GOVERNMENTS AND  
CALTRANS FOR PROPOSITION 1B FUNDS AND  
AUTHORIZING THE TRANSPORTATION MANAGER TO  
SUBMIT ALL NECESSARY PAPERWORK

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the submittal of the Transit Program Expenditure Plan to the San Joaquin Council of Governments and Caltrans for Proposition 1B funds; and

BE IT FURTHER RESOLVED that the City Council does hereby authorize the Transportation Manager to submit all necessary paperwork.

Dated: January 20, 2010

=====

I hereby certify that Resolution No. 2010-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 20, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2010-\_\_\_\_\_



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Authorize City Clerk to Grant Application for Leave to Present a Late Claim, filed on behalf of Alexis Gribaudo, a minor, pursuant to Government Code section 911.6(b)(2)

**MEETING DATE:** January 20, 2010

**PREPARED BY:** Deputy City Attorney

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**RECOMMENDED ACTION:** Authorize City Clerk to Grant Application for Leave to Present a Late Claim, filed on behalf of Alexis Gribaudo, a minor, pursuant to Government Code section 911.6(b)(2).

**BACKGROUND INFORMATION:** An Application for Leave to Present a Late Claim was filed with the City Clerk on behalf of Alexis Gribaudo, a minor, pursuant to Government Code section 911.4 on December 17, 2009. The Application was filed almost six months after the expiration of the statutory period in which the claim was to be filed, based on the December 23, 2008 date of loss. Government Code section 911.2 requires that claims against public entities, with limited exception, be filed within six months of the accrual of the action giving rise to the claim. Because the applicant seeking relief from the claims-filing requirements in this instance is a minor, Government Code section 911.6(b)(2) requires that relief be granted to permit the filing of her claim so long as it is within one year of the accrual of the loss and applicant was a minor during all relevant time periods. Because applicant qualifies for relief under Section 911.6(b)(2), it is recommended that the Council authorize the City Clerk to grant the Application and accept the claim of Alexis Gribaudo, a minor, for filing effective December 17, 2009.

**FUNDING:** Not Applicable.

\_\_\_\_\_  
Janice D. Magdich  
Deputy City Attorney

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Authorize City Clerk to Grant Application for Leave to Present a Late Claim, filed on behalf of Leandra Romero, a minor, pursuant to Government Code section 911.6(b)(2) and Authorize City Clerk to Deny Applications for Leave to Present Late Claims, filed on behalf of Carlos Romero and Adriana Romero pursuant to Government Code section 911.6(a)

**MEETING DATE:** January 20, 2010

**PREPARED BY:** Deputy City Attorney

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**RECOMMENDED ACTION:** Authorize City Clerk to Grant Application for Leave to Present a Late Claim, filed on behalf of Leandra Romero, a minor, pursuant to Government Code section 911.6(b)(2) and Authorize City Clerk to Deny Applications for Leave to Present Late Claims, filed on behalf of Carlos Romero and Adriana Romero pursuant to Government Code section 911.6(a).

**BACKGROUND INFORMATION:** Applications for Leave to Present Late Claims were filed with the City Clerk on behalf of Leandra Romero, a minor, and her parents Carlos Romero and Adriana Romero, pursuant to Government Code section 911.4 on December 31, 2009. The Applications were filed over one month after the expiration of the statutory period in which the claims were to have been filed, based on the May 21, 2009 date of loss. Government Code section 911.2 requires that claims against public entities, with limited exception, be filed within six months of the accrual of the action giving rise to the claim. Because applicant Leandra Romero is a minor, Government Code section 911.6(b)(2) requires that relief be granted to permit the filing of her claim so long as it is within one year of the accrual of the loss and applicant was a minor during all relevant time periods. Because applicant Leandra Romero qualifies for relief under Section 911.6(b)(2), it is recommended that the Council authorize the City Clerk to grant the Application and accept the claim of Leandra Romero, a minor, for filing effective December 31, 2009.

With regard to the applications of Carlos Romero and Adriana Romero, applicants failed to present any proof that one or more of the statutory grounds for the submittal of late claims applies to the applicants. Therefore, it is recommended that the Council authorize the City Clerk to deny the applications of Carlos Romero and Adriana Romero to file late claims pursuant to Government Code section 911.6(a).

**FUNDING:** Not Applicable.

\_\_\_\_\_  
Janice D. Magdich  
Deputy City Attorney

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



TM

## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Adopt Resolution Approving Bylaw Changes for the Greater Lodi Area Youth Commission

**MEETING DATE:** January 20, 2010

**PREPARED BY:** Brad Vander Hamm, City Liaison to the Greater Lodi Area Youth Commission

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**RECOMMENDED ACTION:** Adopt resolution approving bylaw changes for the Greater Lodi Area Youth Commission.

**BACKGROUND INFORMATION:** The Greater Lodi Area Youth Commission seeks to change the current meeting times for its Regular Meeting. Bylaws currently state 6:00 p.m. We would like to change the meeting time to 7:00 p.m. as both the Commissioners and Advisors had a difficult time making the 6:00 p.m. meeting.

The proposed bylaws have been reviewed and approved for submission to the City Council for consideration by the adult advisors and student members

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** N/A

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James Rodems  
Community Center Director

Prepared by: Brad Vander Hamm, Liaison  
Greater Lodi Area Youth Commission

Attachments

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APPROVED: \_\_\_\_\_  
Blair King, City Manager

RESOLUTION NO. 2010-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
AMENDING THE BYLAWS FOR THE GREATER LODI  
AREA YOUTH COMMISSION

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the amended Bylaws for the Greater Lodi Area Youth Commission, as shown on Exhibit A attached hereto.

Dates: January 20, 2010

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I hereby certify that Resolution No. 2010-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 20, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2010-\_\_\_\_\_

## **EXHIBIT A**

### **Greater Lodi Area Youth Commission Service and Bylaws**

#### Purpose, Role, Scope, and Function

- A. The purpose of the Greater Lodi Area Youth Commission is to affect positive growth in young adults through a variety of activities that will generate interest and participation within the greater Lodi area.
- B. The Greater Lodi Area Youth Commission serves high school and junior high students living within the Lodi Unified School District boundaries.
- C. The powers of the Commission shall include, but not be limited to:
  - 1. Study and recommendation on youth issues as needed.
  - 2. Provide safe, fun, and/or educational events for youth in the Lodi Unified School District area.
- D. The Lodi City Council adopted Resolution 2006-31, which provides rules for the conduct of Council, Board, and Commission meetings. Resolution 2006-31 is incorporated herein fully by reference. To the extent there is any conflict between these Bylaws and Resolution 2006-31, Resolution 2006-31 shall be the basis for any conflict settlement.

#### Commission/Commissioner and Adult Advisor Service

- A. Commission Numbers
  - 1. The Commission is made up of nine voting Commissioners/students between the ages of 13 and 19. These students must reside in Lodi Unified School District attendance boundaries. There are also seven adult non-voting advisors, one of which shall be a Lodi City Council Member representative, who are appointed by the Mayor with Council approval.
- B. Term of Appointment
  - 1. Commissioners are appointed for a two-year term of office providing they meet the meeting and participation requirements. Should a vacancy arise, the Mayor, with Council approval, shall appoint an individual to fulfill the unexpired term of said Commission seat. Adult Advisors are appointed for a three-year term by the Mayor, with Council Approval. Should a vacancy arise, the Mayor, with Council approval, shall appoint an individual to fulfill the unexpired term.
- C. Reappointment
  - 1. When a term has expired, the Mayor may reappoint an individual or appoint a new individual to a seat on the Commission.

## Commission/Commissioner

### A. Chairperson

1. Election: The Chairperson for the Commission shall be elected by the members thereof by a majority vote of all the members, once the position is vacated.
2. Term: The term of office of the Chairperson shall be one year until the election of his/her successor.
3. Duties: The Chairperson shall be the presiding officer of the Commission. He/She shall preserve strict order and decorum at all meetings of the Commission, state questions coming before the Commission, announce the Commission's decision on all subjects, and decide all questions of order; subject, however, to an appeal to the Commission as a whole, in which event a majority vote shall govern and conclusively determine such questions of order. He/She shall vote on all questions and on roll call his/her name shall be called last.
4. In the event that the Commission deems a Co-Chair position is necessary, there will be no Vice Chair position and the Co-Chairs will share the Chairperson and Vice Chairperson duties.

### B. Vice Chairperson

1. Term and Duties: There shall be a Vice Chairperson, whose term of office shall coincide with that of the Chairperson, and who shall, in the absence of the Chairperson, perform all of the functions and duties of the Chairperson.
2. Election: The Vice Chairperson of the Commission shall be elected by the members thereof by a majority vote of all the members.
3. In the event that the Commission deems a Co-Chair position is necessary, there will be no Vice Chair position and the Co-Chairs will share the Chairperson and Vice Chairperson duties.

### C. Secretary

1. Terms and Duties: There shall be a Secretary, whose term of office shall coincide with that of the Chairperson. He/She shall be responsible for the keeping of the official minutes of the Commission.

## Meetings and Rules of Order

### A. Roll Call

1. Before proceeding with the business of the Commission, the Secretary shall call the roll of the members, and the names of those present shall be entered into the minutes.

### B. Quorum

1. A majority of the voting members of the Youth Commission constitutes a quorum for the transaction of business. Adult advisors do not vote.

### C. Attendance

1. Regular Meetings:
  - a) The Greater Lodi Area Youth Commission Members and Adult Advisors must prearrange regular monthly Commission meeting absences in advance.

A member (Commissioner or Advisor) absent for two consecutive regular meetings of the Greater Lodi Area Youth Commission shall forfeit such office as a Commissioner or advisor, unless absences are excused by a vote of the Commission.

2. Events:

- a) Except in the case of emergency, Commissioners are expected to be at all events. If a Commissioner is unable to make an event, a written excuse must be read at the next regular meeting to be entered into the minutes.
- b) Advisors are requested to be at every event.

3. Committee Meetings:

- a) Commissioners are expected to be at all Committee meetings. When attendance drops below the 70% level, a written warning will be mailed to the offending Commissioner. If the attendance level drops below 60%, the offender shall forfeit such office as a Commissioner.

4. Tardiness:

- a) If a member of the Commission is going to be tardy for a meeting or an event, the Chairperson and the City Liaison must be notified beforehand.

D. Minutes

- 1. Preparation: The minutes of the Commission shall be kept by the Secretary and shall be neatly typewritten in a book kept for that purpose with a record of each particular type of business transacted set up in paragraphs with property subheadings, provided, however, that the Secretary shall be required to make a record only of such business as was actually acted upon by the Commission and shall not be required to record any remarks of members or any other person except at the special request of a member, and provided further that a record shall be made of the names of persons addressing the Commission, the title of such matter to which the remarks related, and whether they spoke in support of or in opposition to the matter. Individuals may choose to not be identified by name. Any identification must be voluntary according to the Brown Act.
- 2. Distribution: As soon as possible after each meeting, the Secretary shall cause a copy of the minutes to be forwarded to each member.
- 3. Reading: Unless the reading of the minutes is requested by a member, such minutes may be approved without reading as each member has previously been furnished a copy thereof.

General Order and Conduct of Business

A. Agenda

- 1. All reports, communications, and other documents or matters to be submitted to the Commission at its regular meeting shall be delivered to the Liaison and the Liaison shall prepare an agenda of all such matters according to the Order of Business and shall furnish each member of the Commission with a copy of the same prior to the Commission meeting. The Liaison or his/her designee shall forward a copy of the agenda to the City Clerk for posting 72 hours prior to said meeting. Agendas must be at the City Clerk's Office prior to the 72 hour posting. No item may be added to the agenda subsequent to the post of same.



## B. Order of Business

1. Roll Call
2. Minutes
3. Comments on Non-Agenda Items
4. Action Items
5. Regular Agenda
6. Correspondence
7. Reports
8. Announcements
9. Adjournment

## C. Rules of Debate

1. Chairperson May Debate and Vote: The Chairperson may move, second, and debate from the Chair, subject only to the limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a member by reason of his/her acting as Chairperson.
2. Getting the Floor; Improper References: Every member desiring to speak shall address the Chair and, upon recognition by the Chairperson, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language.
3. Interruptions: A member, once recognized, shall not be interrupted when speaking unless it shall be to call him/her to order or as otherwise specifically provided. If a member, while speaking, shall be called to order, he/she shall cease speaking until the question of order has been determined, and, if in order, he/she shall be permitted to proceed.

## D. Rules of Order

1. Robert's Rules: Except as otherwise specifically provided in these rules, Robert's Rules of Order as last revised shall guide the proceedings of the Commission in the conduct of meetings thereof.
2. The Commission Chair may suspend Robert's Rules of Order upon the majority vote of the Commissioners.

## E. Voting

1. A vote by Roll Call shall not be required unless a Commissioner specifically requests a Roll Call after a motion is made and before the Chairperson calls for the vote. All members present shall vote. Unless a member of the Commission audibly states he/she is not voting, his/her silence shall be recorded as an affirmative vote. An audible abstention shall be recorded as an abstaining vote. A member may abstain from voting only if said member has a conflict of interest.

## F. Addressing the Commission

1. General: Any person desiring to address the Commission shall first secure the permission of the Chairperson and upon permission give his/her name in an audible tone or voice prior to his/her testimony. Any person addressing the Commission shall speak only on items that are within the subject matter jurisdiction of the Commission.

2. Time: Each person addressing the Commission shall limit his/her time as may be directed by the Chairperson. The Commission reserves the right to establish reasonable time limits for discussion or debate.
3. Spokesperson for Groups: Whenever any group of persons wishes to address the Commission on the same subject matter, it shall be proper for the Chairperson to request that a spokesperson be chosen by the group to address the Commission and, in the event additional matters are to be presented by other persons in the group, to limit the number of persons so addressing the Commission so as to avoid unnecessary repetitions.
4. Discussions: No person, other than a member and the person addressing the Commission, shall be permitted to enter into any discussion with the person addressing the Commission without the permission of the Chairperson. No agenda items shall be discussed nor shall action be taken on same unless a majority of the Commission votes that the need to take action arose subsequent to the agenda being posted. If the need to take action did not arise subsequent to the agenda being posted, the item shall be referred to staff and/or it shall be placed on the next meeting's agenda for discussion and action.

#### G. Decorum

1. By Members. When the Commission is in session, the members shall preserve order and decorum and no member shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Commission nor disturb any member while speaking or refuse to obey the orders of the Commission or Chairperson, except as provided in these rules.
2. By Other Persons: Any person making personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Commission, shall be forthwith, by the Chairperson, barred from further audience at such meeting, unless permission to continue shall be granted by majority vote of the Commission.
3. Attire: Commissioners are to dress accordingly when attending regular meetings. No jeans, hats, sweatshirts, etc. The Commission is representing the youth of Lodi and should display themselves in a professional manner (Committee meetings may remain casual).

#### H. Commission Directives

1. The Commission shall from time to time by directive issued by it establish procedures for the processing of the business of the Commission within the guidelines established by the City Council of the City of Lodi

#### Meeting Types/Procedure

##### A. Regular Meetings

1. The Greater Lodi Area Youth Commission shall hold its regular meetings at ~~6 p.m.~~ **7 p.m.** on the second Monday of each month at Hutchins Street Square, 125 South Hutchins Street, Lodi, California, provided, however whenever the Commission, at a regular meeting, sets a different time and place for its meetings, such meeting shall constitute a regular meeting for all purposes. An agenda for said meeting(s) shall be forwarded to the City Clerk for posting

72 hours prior to said meeting(s). When any set meeting time is canceled, the Commission must post a "canceled" meeting notice with the City Clerk for posting 72 hours prior to the canceled meeting.

B. Committee Meetings

1. Committee meetings are held once a month as needed on the fourth Monday. Committee meetings are at 6 p.m. at Hutchins Street Square, 125 South Hutchins Street, Lodi, California, unless they have been scheduled in advance to meet at another location.

C. Special Meetings

1. Special meetings may be called at any time by the Chairperson of the Commission or by a majority of the members of the Commission, by serving notice 24 hours in advance of the time, place, and purpose of the meeting upon each member of the Commission and by posting an agenda 24 hours prior to the special meeting.

D. The Brown Act

1. All meetings of the Commission shall be subject to the provisions of the Ralph M. Brown Act (California Government Code Section 54950 et seq.).



## **CITY OF LODI COUNCIL COMMUNICATION**

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**AGENDA TITLE:** Affirm Project Nominations for San Joaquin Council of Governments' One Voice Trip

**MEETING DATE:** January 20, 2010

**PREPARED BY:** City Manager

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**RECOMMENDED ACTION:** Affirm project nominations for the San Joaquin Council of Governments' One Voice trip.

**BACKGROUND INFORMATION:** The San Joaquin Council of Governments (COG) is again developing regional priorities in preparation for the annual "One Voice" lobbying trip to Washington, D.C., in April 2010. The One Voice trip is an opportunity for all jurisdictions in the county to work cooperatively to secure federal funds. There is no guarantee of success, and the One Voice trip is only one of several ways in which the City lobbies to fund needed projects.

SJCOG again invited the City to submit two projects for consideration: One regional transportation project and one local project, transportation or otherwise. The grant request is limited to \$5 million, as noted in the COG evaluation criteria checklist.

City staff submitted the two projects to SJCOG with a history of endorsements by the City Council: the Lodi Lake Park Nature Area Protection Project and improvements to Harney Lane. The Lodi Lake project was the City's top priority a year ago, and funding for Harney Lane/State Route 99 interchange improvements was requested the previous two years. This year's Harney Lane funding request is expanded to include a grade separation at the Union Pacific Railroad tracks along with the previously requested interchange improvements.

The City Council is well aware of the eroding riverbank in the Nature Area near Pigs Lake. Preliminary estimates put the cost of a permanent repair at \$1,978,845. On November 12, 2008, the City submitted a request to the State of California for \$1,861,970 in grant funding through the River Parkways and Urban Streams Restoration programs. Because of the State's financial difficulties, the grant program has been delayed. A temporary repair attempted in March 2009 in which plastic sheeting was placed on the riverbank, failed to last the year. Because the City has not identified any other funding source for the permanent repair, and because a riverbank failure would result in the loss of a highly valued City and regional resource, staff recommends the Council again choose the Project as its top priority and request funding of \$1,861,970.

For the regional transportation project nomination, staff again submitted reconstruction of the Harney Lane interchange at State Route 99, adding the element of a grade separation at the Union Pacific Railroad tracks. On June 17, 2009, the City Council voted to make the Harney Lane alternative its priority for Measure K railroad grade separation funding. Reconstruction of the interchange, which has an

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

outdated design and poor operating conditions, and the grade separation are estimated to cost \$60 million. The interchange is important to the local and regional economy as critical linkage of the adjacent Blue Shield office complex and future retail commercial uses at Reynolds Ranch. Most of the required right-of-way has already been acquired. A \$5 million grant from the federal government would be matched with \$55 million in local funding. This was submitted as the City's second priority project.

**FISCAL IMPACT:** Award of funding for the Lodi Lake Park Nature Area Protection Project would protect the General Fund from being used to pay for future emergency repairs; award of funding for the Harney/99 interchange and grade separation would free transportation funds for other needed projects.

**FUNDING AVAILABLE:** Not applicable.

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Blair King  
City Manager



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Consider Authorizing the Mayor To Enter A Memorandum Of Understanding With Public Agencies From Merced To Sacramento County To Jointly Plan And Develop Improved Regional Passenger Rail Transportation

**MEETING DATE:** January 20, 2010

**PREPARED BY:** Community Development Director

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**RECOMMENDED ACTION:** Consider authorizing the Mayor to enter a Memorandum Of Understanding with public agencies from Merced to Sacramento County to jointly plan and develop improved regional passenger rail transportation.

**BACKGROUND INFORMATION:** The California High Speed Rail Authority (CHSRA) has been created to prepare a plan and design for the high speed rail system, conduct environmental studies, obtain necessary permits, and undertake the construction and operation of a high-speed passenger train network in California. This system will eventually connect Sacramento with Los Angeles via the Central Valley. The Memorandum of Understanding (MOU) pertains to the various agencies that make up the anticipated alignment from Merced to Sacramento.

Moreover, the CHSRA has agreed to incorporate a regional services concept into the overall planning and environmental process in order to streamline and coordinate the service development, provided there is an active and committed regional partner which is the role that this working group will provide. From the City of Lodi's perspective, it is this regional service potential that we are most interested in. Conceptually this system could provide the mechanism for commuter rail to connect Lodi with downtown Sacramento and locations to the south.

Council Member Johnson has participated in the group thus far as the City's representative to the San Joaquin Regional Rail Commission.

**FISCAL IMPACT:** N/A

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Konradt Bartlam  
Community Development Director

KB/kjc  
Attachments:  
Memorandum of Understanding

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

**MEMORANDUM OF UNDERSTANDING (MOU)  
BY AND BETWEEN**

**COUNTY OF MERCED  
CITY OF MERCED  
MERCED COUNTY ASSOCIATION OF GOVERNMENTS  
COUNTY OF STANISLAUS  
CITY OF MODESTO, CITY OF TURLOCK  
STANISLAUS COUNCIL OF GOVERNMENTS  
SAN JOAQUIN REGIONAL RAIL COMMISSION  
SAN JOAQUIN COUNTY  
CITY OF STOCKTON, CITY OF LODI AND CITY OF MANTECA  
SAN JOAQUIN REGIONAL TRANSIT DISTRICT  
SAN JOAQUIN COUNCIL OF GOVERNMENTS  
COUNTY OF SACRAMENTO  
CITY OF SACRAMENTO, CITY OF ELK GROVE AND CITY OF GALT  
SACRAMENTO REGIONAL TRANSIT  
SACRAMENTO AREA COUNCIL OF GOVERNMENTS**

**FOR THE PURPOSE OF CREATING A WORKING GROUP  
TO COLLABORATE WITH THE CALIFORNIA HIGH SPEED RAIL AUTHORITY  
TO PLAN AND DEVELOP IMPROVED PASSENGER RAIL TRANSPORTATION  
BETWEEN THE REGIONS OF MERCED AND SACRAMENTO**

WHEREAS, the agencies listed above (herein referred to as the “Parties”) share the goal of improving and increasing passenger rail service interconnecting their communities and the regions, and;

WHEREAS, the Parties have been working together since February 2007 on a planning study to determine the feasibility of commuter rail service between Merced and Sacramento, and;

WHEREAS, California voters approved Proposition 1A, the Safe, Reliable High Speed Passenger Train Bond Act on November 4, 2008, requiring that the California High Speed Rail Authority (CHSRA) prepare a plan and design for the high speed rail (HSR) system, conduct environmental studies, obtain necessary permits, and undertake the construction and operation of a high-speed passenger train network in California, and;

WHEREAS, included in the CHSRA work is planning for HSR service between Merced and Sacramento and a complementary and connecting service between the Central Valley and the Bay Area along the Altamont Corridor, with CHSRA acting as a lead agency in preparing project level environmental impact reports (EIR) for each corridor, and;

WHEREAS, it is in the best interest of the Parties and CHSRA to coordinate the desires for high speed rail and for regional rail service into one planning effort, and to the extent possible, identify one ultimate Corridor with layered services, and;

WHEREAS, CHSRA has agreed to incorporate the regional services concept into the overall planning and environmental process in order to streamline and coordinate the service development, provided there is an active and committed regional partner,

NOW THEREFORE BE IT RESOLVED, that the Parties agree to engage in a planning process with CHSRA, recognizing local, regional and statewide needs for regional and high speed rail service in a shared service Corridor, identified conceptually on the attached Merced to Sacramento Section Map, and further agree as follows:

1. The parties agree to continue to work cooperatively throughout the preparation of the CHSRA technical studies and the project level EIRs/EISs in the region, and other directly related planning and project development activities.
2. The parties agree to the following general planning principles:
  - a. The shared objective is dedicated passenger trackage for HSR and regional rail service, between Merced and Sacramento, including segments which may provide early independent utility.
  - b. The Merced to Sacramento Corridor will be connected with the Altamont Regional Corridor, Intercity rail services and local and regional transit networks in order to leverage the investment in the corridor. The intention of the planning work is to create seamless connections for the traveler and utilize other transportation services for the broadest coverage.
  - c. Ultimately, high speed rail segments in the region will be fully grade separated, electrified, and suitable for operation of the high speed trainsets which will be used in all portions of the statewide system, and will require that regional service utilize compatible, lightweight trainsets.
  - d. Improvements may be phased so that in the near term, Central Valley regional rail service can be initiated using readily available trainsets.
  - e. Consideration for high speed rail station locations include local support and development strategies, access to other transit connections, regional service markets, interregional service markets and the statutory schedule requirement between Los Angeles and Sacramento.
3. The parties agree that the purpose of this MOU is to continue and expand cooperation among the parties. It is understood that the development of the Corridor may have local implications which will need to be resolved at the local level. The Parties agree, however, that these local discussions and resolutions will be rolled up into the Working Group discussions in order to achieve a smooth Corridor and service transition between the jurisdictions.



4. Each Party agrees to provide leadership and support for the Corridor planning and development process within their respective communities and across jurisdictional boundaries. This may include, but not be limited to, speaking at public meetings, advocating for state and federal funding, executing letters of support, participating in media events, encouraging public awareness and public involvement in the planning process and participating in conflict resolution strategies in the event of project impediments.
5. This MOU is intended to be the first in a series of agreements, each of which is expected to be more specific as planning work progresses and becomes more focused. In addition, this MOU itself is not intended to remain unchanged, but may evolve in the future as the parties confront various problems. All or portions of the MOU may be modified to accommodate the needs of the Parties as planning work progresses, either through direct amendment of this MOU or through supplemental memoranda, as deemed appropriate by the parties.

BE IT FURTHER RESOLVED, that this MOU has been approved by the Parties with an effective date of March 1, 2010. This MOU is in effect and shall continue in effect until and unless terminated by all Parties through mutual written agreement. Any Party may withdraw from the MOU upon 20 days' written notice delivered to the remaining Parties.

The Parties have executed this MOU by their signatures on the following page.

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Chair, Merced County Board of Supervisors

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Mayor, City Of Merced

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Chair, Merced County Association of Governments

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Mayor, City of Modesto

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Mayor, City of Turlock

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Chair, Stanislaus County Board of Supervisors

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Chair, Stanislaus Council Of Governments

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Chair, San Joaquin County Board of Supervisors

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Chair, San Joaquin Regional Rail Commission

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Mayor, City Of Manteca

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Mayor, City Of Stockton

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Mayor, City of Lodi

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Chair, San Joaquin Regional Transit District

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Chair, San Joaquin Council of Governments

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Mayor, City of Galt

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Mayor, City of Elk Grove

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Mayor, City of Sacramento

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Chair, Sacramento Regional Transit

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Chair, Sacramento Board of Supervisors

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Chair, Sacramento Area Council Of Governments



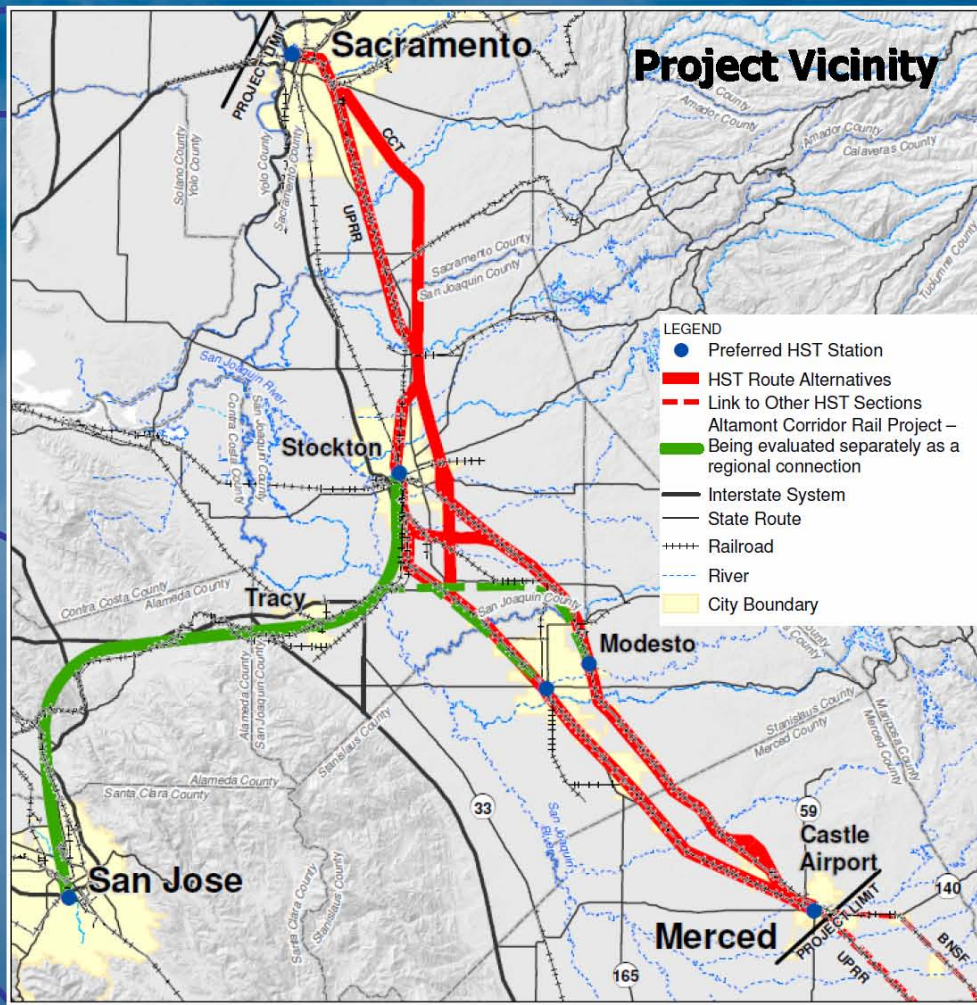
CALIFORNIA  
HIGH-SPEED RAIL  
AUTHORITY

# Merced-to-Sacramento Section



U.S. Department  
of Transportation  
**Federal Railroad  
Administration**

## Statewide System



## Comments by the public on non-agenda items

**THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.**

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Comments by the City Council Members on non-agenda items



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA ITEM I-02a**

**AGENDA TITLE:** Appointments to the Library Board of Trustees, Lodi Animal Advisory Commission, Lodi Arts Commission, Lodi Senior Citizens Commission, San Joaquin County Mosquito & Vector Control District, San Joaquin Valley Unified Air Pollution Control District Citizens Advisory Committee, and Site Plan and Architectural Review Committee and Direct City Clerk to Post for Remaining Vacancies

**MEETING DATE:** January 20, 2010

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Concur with the Mayor's recommended appointments to the Library Board of Trustees, Lodi Animal Advisory Commission, Lodi Arts Commission, Lodi Senior Citizens Commission, San Joaquin County Mosquito & Vector Control District, San Joaquin Valley Unified Air Pollution Control District Citizens Advisory Committee, and Site Plan and Architectural Review Committee and direct City Clerk to post for remaining vacancies.

**BACKGROUND INFORMATION:** On October 21, 2009, the City Council directed the City Clerk to post for expiring terms and vacancies on various boards and commissions. The Mayor has reviewed the applications and is recommending that the City Council concur with the following appointments. In addition, it is requested that the City Council direct the City Clerk to post for the remaining vacancies (as detailed below) to remain open until filled.

**APPOINTMENTS:**

**Library Board of Trustees**

Frankie Paul Kooger Term to expire June 30, 2012

NOTE: Three applicants (two new applications and one on file); posting 10/21/09; application deadline 11/23/09

**Lodi Animal Advisory Commission**

Phillip Laughlin Term to expire December 31, 2012

NOTE: One applicant (one seeking reappointment); posting 10/21/09; application deadline 11/23/09

**Lodi Arts Commission**

Teri Turrentine Term to expire July 1, 2010

NOTE: One applicant (one new application); posting 10/21/09; application deadline 11/23/09

**Lodi Senior Citizens Commission**

Winona Ellwein Term to expire December 31, 2013

NOTE: One applicant (one seeking reappointment); posting 10/21/09; application deadline 11/23/09

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APPROVED: \_\_\_\_\_  
Blair King, City Manager

**San Joaquin County Mosquito & Vector Control District**

Jack Fiori Term to expire December 31, 2013\*

***\*The City has the option to appoint for a two- or four-year term, and the recommendation is to appoint for a four-year term.***

NOTE: One applicant (one seeking reappointment); posting 10/21/09; application deadline 11/23/09

**San Joaquin Valley Unified Air Pollution Control District Citizens Advisory Committee**

Randall Blank, Primary Term to expire January 31, 2013

NOTE: One applicant (one seeking reappointment); posting 10/21/09; application deadline 11/23/09

**Site Plan and Architectural Review Committee**

Mitchell Slater Term to expire January 1, 2014

NOTE: One applicant (one seeking reappointment); posting 10/21/09; application deadline 11/23/09

**POSTING:**

**Lodi Animal Advisory Commission**

One Vacancy Term to expire December 31, 2010

One Vacancy Term to expire December 31, 2012

**Lodi Senior Citizens Commission**

One Vacancy Term to expire December 31, 2013

Government Code Section 54970 et seq. requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

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Randi Johl  
City Clerk





## **CITY OF LODI COUNCIL COMMUNICATION**

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**AGENDA TITLE:** Post for One Expiring Term on Lodi Improvement Committee and One Vacancy on Lodi Budget/Finance Committee

**MEETING DATE:** January 20, 2010

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Direct the City Clerk to post for one expiring term on the Lodi Improvement Committee and one vacancy on the Lodi Budget/Finance Committee.

**BACKGROUND INFORMATION:** Previously, the Lodi Improvement Committee amended its bylaws to reduce the Committee from nine members to seven by attrition. Two terms are due to expire on March 1, and one member, Stephen Jarrett, has resigned, bringing the Committee to the approved seven members. Additionally, the City Clerk's Office received a letter of resignation (filed) from newly-appointed Lodi Budget/Finance Committee member, Bud Mullanix, who is now unable to serve on the Committee due to work commitments. Government Code Section 54970 et seq. requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application; therefore, it is recommended that the City Council direct the City Clerk to post for the expiring term and vacancy shown below.

**Lodi Improvement Committee**

Sunil Yadav Term to expire March 1, 2010

**Lodi Budget/Finance Committee**

Bud Mullanix Term to expire June 30, 2013

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

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Randi Johl  
City Clerk

RJ/JMR

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager





TM

## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Monthly Protocol Account Report

**MEETING DATE:** January 20, 2010

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** None required, information only.

**BACKGROUND INFORMATION:** The City Council, at its meeting of July 19, 2000, adopted Resolution No. 2000-126 approving a policy relating to the City's "Protocol Account." As a part of this policy, it was directed that a monthly itemized report of the "Protocol Account" be provided to the City Council.

Attached please find the cumulative report through December 31, 2009.

**FISCAL IMPACT:** N/A

**FUNDING AVAILABLE:** See attached.

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Randi Johl  
City Clerk

RJ/JMR

Attachment

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

*Cumulative Report through December 31, 2009*

Prepared by: JMR



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Adopt Resolution Approving Fiscal Year 2009/10 Mid-year Budget Adjustments

**MEETING DATE:** January 20, 2010

**PREPARED BY:** Deputy City Manager

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**RECOMMENDED ACTION:** Adopt resolution approving Fiscal Year 2009/10 Mid-year budget adjustments.

**BACKGROUND INFORMATION:** City staff has done an admirable job of managing the organization during a time of significant fiscal turmoil. Despite falling revenues and shrinking staff numbers, staff has maintained most services at levels consistent with prior years. The City has enjoyed the cooperation of all of its bargaining units in helping to maintain a balanced budget.

The City of Lodi has weathered the recent fiscal storm without having to resort to significant layoffs and/or service eliminations to balance the most recent budgets. Over the last five years, although not without difficulty, the City has remained relatively healthy from a fiscal perspective as a result of continuous, active fiscal management. In short, the City managed cost reductions and staffing reductions in concert with declining revenues. While other cities have had to make sudden and severe course corrections, Lodi has met reductions in revenue with prompt but more gradual declines in expenditures.

In spite of this economy, Lodi has worked to bring itself back from the brink and develop a modest General Fund reserve. The projected unreserved fund balance of \$3.3 million represents 8.3 percent of General Fund expenditures, well short of the targeted minimum reserve level of 15 percent. Revenues for 2009/10 are projected to be \$5.5 million (13 percent) lower than FY 2006/07. During the same time period, the City has seen significant increases in salary and benefits for some represented employees. Salary and benefits were reduced during the latter part of FY 2008/09 and have continued into FY 2009/10 as a result of contributions provided by the bargaining groups and voluntary reductions in staff. Employee contributions, coupled with early retirement incentives, have allowed the City to avoid significant lay-offs and provided the opportunity to manage the decline in revenues.

The following details how the City addressed a number of issues over the course of the last five years.

### **Personnel**

Authorized staff levels have gone from a high of 480 in FY 2003/04 to the current level of 421 funded positions. Current filled positions total 406. The City has adopted a philosophy of examining the need for each vacant position before filling. This analysis has resulted in cost stabilization and decreased the amount of personnel increases.

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APPROVED: \_\_\_\_\_  
Blair King, City Manager

## **Operational Efficiencies**

One of the mantras during tight fiscal times is to do more with less. The City has taken this concept to heart and has implemented a number of operational efficiencies that allow City staff to offer high levels of service with reduced staffing. For the past few years, the City has embarked on a series of studies and reviews to ensure that our operations were managed efficiently and effectively. These studies included an analysis of the organizational structure, duties and responsibilities, and staffing; the results of these studies have been a more prudent stewardship of the City's resources. This has enabled the City to continue offering a high level of service while weathering a significant recession.

In particular, efficiencies have been realized by the City by:

- Streamlining the plan-check function between the Fire Department and Community Development, thus reducing staff.
- Allowing utility customers to pay bills either online or through pay stations. This has reduced walk-in traffic at the Finance Department and provided a higher level of service.
- Completing a project that converted paper check payments to electronic bank transfers, thereby freeing staff time for other customer service functions within the Finance Division. Additionally, this project results in reduced bank service charges, creating ongoing savings.
- Providing retirement incentives to 15 employees resulting in positions remaining vacant and generating salary savings.
- Reducing reliance on outside benefits program management and labor negotiators. Bringing these activities in-house results in permanent cost reductions.
- Settling the PCE/TCE lawsuits resulting in the elimination of outside legal services for this matter.
- Converting from Social Security to PARS for part-time staff. This decision resulted in a permanent reduction in City costs as the City no longer pays the employer share of Social Security for these staff.

In addition to operational efficiencies, the City has exercised its entrepreneurial muscle in a number of areas:

- Charging market rent for the Court space.
- Increasing the solid waste franchise fee.
- Negotiating market-based rent for the land lease for the Lodi Energy Center.
- Establishing a market-rate for tertiary-treated water for the Lodi Energy Center.
- Creating Special Revenue funds for Community Development, Community Center and Recreation to better account for these activities.

## **Service Modifications**

As a result of budget reductions, the City is not performing all of the services it had performed at the same level, or at all. Furloughs of City staff reduce customer service hours to the public by about 5 percent. Some of the service reductions include:

- Longer wait times on the telephones for utility customer service.
- Lack of availability to the public one day a month due to furloughs.
- Library closed on Fridays and three hours earlier on Thursdays.
- Browning out of a fire engine.
- Slower response time to Council requests and requests from the public.
- Less-thorough research related to special requests.
- Reduced bike patrols.
- Reduced staffing in the Police Department lobby.
- Smaller Fourth of July fireworks show.

## **Looking Forward**

As noted earlier, the City is relatively healthy from a fiscal perspective. Our past activities have allowed for a “glide path” approach to responding to reducing revenues. We expect the balance of FY 2009/10 to continue on the glide path already established. As we look forward to FY 2010/11, we are not seeing significant signs of recovery. It is expected that we will need to remain frugal in the coming year just to stay level with our current standing. As such, it is expected that the current level of employee contributions will be needed to allow the City to stay level.

## **General Fund**

### **Revenues:**

**Overall, revenues are estimated at budgeted levels. No budgetary adjustments are proposed for revenue at this time. Overall, General Fund revenues within the Fund are expected to match estimates, but variances within individual line items are expected.**

The primary General Fund Revenue sources are property taxes, sales taxes, PILOT and Vehicle License Fees. It is projected that property taxes will come in slightly below (\$40,000) budgeted levels. Sales tax revenue is anticipated to be short of budgeted levels by about \$230,000. Vehicle License Fees are expected to be about \$200,000 over budgeted levels. PILOT revenue will match the budgeted amount. Other revenues are showing minor variances that, in total, bring estimated revenue in line with overall budgeted revenue. Additionally, staff is reviewing all revenue throughout the City to make sure that it is recorded properly, and is focusing on entrepreneurial-type revenue.

### **Expenditures:**

Initial projection of General Fund expenditures is \$39,935,000, a level that exceeds expected revenue by \$64,000. Without action, the fund balance will be reduced by that amount. A solution is proposed.

During the discussion of how the City would adjust its budget in response to the State’s Proposition 1A seizure of local government funds, staff proposed eliminating central purchasing as a means of reducing General Fund expenditures. Council requested staff further explore this concept and report back. Staff is now recommending that the City move away from the current central store and central purchasing concept and adopt a more de-centralized purchasing philosophy. Staff has surveyed other similar-sized jurisdictions and found that the majority of them have also adopted de-centralized purchasing processes. Best practices for purchasing show that costs are typically reduced by just-in-time purchasing as opposed to a classic central store operation.

Staff is recommending that two positions in the Purchasing Division be transferred to the Electric Utility. Staff has reviewed the activities of the positions of Buyer and Senior Storekeeper and has determined that these two positions primarily serve the Electric Utility and the Water/ Wastewater Utilities. Electric Utility and Water/ Wastewater Utility management agree that this transfer makes operational sense. This transfer of staff will result in a savings to the General Fund of approximately \$64,000 through the remainder of the fiscal year.

The remaining position in the Purchasing Division, Purchasing Technician, will remain in the Division, but will be located within the Finance offices. The central purchasing duties of this position will be distributed city-wide and the central store concept will be eliminated. Staff is developing instructions for departmental staff to assume the purchasing of those commodities that were formerly handled centrally. At this time, the Purchasing Technician will retain city-wide purchasing training functions and will be available as a resource to departments. Accounts payable duties will be added to the position in place of the removed duties.

We have met and conferred with the bargaining unit for these employees, AFSCME, and the bargaining unit has not objected to this proposal. We expect to be revising the job descriptions for all three classes and our initial analysis indicates that such changes would not result in changes to the current classification of the positions. Additionally, we will be revising the City’s Purchasing Policy.

**Wastewater Fund**

Council adopted increased wastewater rates earlier this fiscal year. At the time of adoption, estimated revenues were not increased for the expected impact of the rate increase. The attached resolution includes the impact of the rate increases in the wastewater fund for the current fiscal year. Estimated revenues are increased by \$1,750,800 for the current fiscal year.

**Public Works Staffing**

Council adopted the Sanitary Sewer Master Plan (SSMP) earlier this year and approved two additional positions for Public Works. Public Works also requested an additional position that was not approved at that time. Since the adoption of the SSMP, Public Works has reviewed the associated staffing requirements and is proposing a number of staffing changes and reorganizations.

Approval of the following position additions and changes is requested.

**Deputy Public Works Director-Water/Wastewater/Streets**

This position would combine the existing Water Services Manager and Streets and Drainage Manager positions, resulting in the net reduction of one position. The Deputy Public Works Director would provide expanded engineering oversight of the Streets and Drainage and Laboratory & Environmental Compliance Divisions. The storm drainage permit, sanitary waste discharge permit, wastewater collection permit and Air Quality District compliance requirements for controlling fugitive particulates greatly increases the need for knowledge and understanding of engineering sciences in these divisions' operations, thereby requiring management by a registered civil engineer. Four Superintendents would directly report to the Deputy Public Works Director. Future duties would include management of the Mokelumne Water Treatment Plant. Salary is expected to be at the same level as the existing classification of City Engineer/Deputy Public Works Director, \$9,065.32 to \$11,012.40 per month with the initial salary fixed at the C step (\$9,994.49) until the salary is properly aligned with the Public Works Director. Costs for the balance of the fiscal year are estimated to be \$5,400 and will be funded through the water, wastewater and streets funds.

**Laboratory Services and Environmental Compliance Superintendent**

This position is a reclassification of the existing Laboratory Services Supervisor position. The need for the Superintendent position is driven by the SSMP and includes duties that were previously performed by the Water/Wastewater Superintendent. In addition to the duties of the former Supervisor classification, the Superintendent is responsible for management of the DBCP Settlement Case, management of the water system reporting requirements to the California Department of Public Health, preparation of the Annual Water Quality Report, maintenance of well performance records, calculation of charges to new development for wastewater treatment capacity and coordinating operational adjustments such as chlorine dosing and system operation with water system operators to maintain water quality requirements. Over the years, the job duties have evolved to become more technical, requiring more specialty knowledge in order to maintain compliance with the State's monitoring and reporting requirements at the wastewater treatment plant. These new duties require a higher level of knowledge, skills and abilities. Compensation is expected to be parallel with Water/Wastewater Superintendent (\$6,120.82 to \$7,439.90 monthly). Savings for the balance of the fiscal year are estimated to be \$200.

**Water/Wastewater Supervisor**

This position is a reclassification of an existing Senior Plant and Equipment Mechanic. The role of this Senior Plant and Equipment Mechanic has evolved into a working supervisory role as new staff members and responsibilities were added to the maintenance operations of the wastewater treatment plant. Recently completed plant upgrades include additional treatment infrastructure, process enhancements and the addition of technologically advanced systems, such as the ultraviolet disinfection facilities, the de-nitrification facilities in the aeration basins, and the rotating fine screens at the head works along with an additional clarifier and digester. These changes have presented the need for separating the maintenance activities from the operations activities and drive the creation of a separate maintenance unit. The Supervisor position is responsible for the maintenance team of four positions. No changes to the salary for this existing classification are proposed. Salary for the Water/Wastewater Supervisor is

\$4,770.83 to \$5,799.13 monthly. Costs for the balance of the fiscal year are estimated to be \$5,700, which would be absorbed by the Water and Wastewater utilities.

### **Streets and Drainage Superintendent**

This position is intended to combine the remaining duties of the Streets and Drainage Manager with the Assistant Streets and Drainage Manager and create a single new position of Streets and Drainage Superintendent. A portion of the duties of the Streets and Drainage Manager were folded into the Deputy Public Works Director position described above. Compensation is expected to be parallel with Water/Wastewater Superintendent (\$6,120.82 to \$7,439.90 monthly). This reclassification is cost neutral as the incumbent is currently paid out-of-class at the target level.

### **Compliance Engineer**

This position is a new position required to handle the additional professional level analytical work needed under the SSMP. This position will have leadership and collaborative responsibilities for a variety of highly complex tasks and projects within the Public Works department. This position will provide guidance and support to management staff in the areas of budget development, rate models and rate analysis, development and oversight of various contracts and agreements, environmental analysis and impacts and the generation and publication of various strategic reports. The position will require an individual with an engineering registration and a strong background in financial, program and management analysis, written and oral communication skills and knowledge of water, wastewater and streets functions within a municipal public works department. Proposed salary is equal to that of an Associate Civil Engineer (\$5,813.22 to \$7,066.00 monthly). Costs for the balance of the fiscal year are estimated to be \$10,200 paid through the Water and Wastewater funds.

The above position changes result in no change in total positions authorized within Public Works. Aggregate net costs for the balance of the fiscal year are estimated to be \$21,100.

**FISCAL IMPACT:** Absent any actions, the General Fund is projected to close the year with a shortfall of about \$64,000. Staff is recommending a reorganization of the Purchasing function that will result in General Fund savings that will eliminate that shortfall. Additionally, staff is recommending a number of position changes within Public Works that will result in additional costs of \$21,100 within the Wastewater Utility. The additional costs will be absorbed by the additional revenues generated from the previously approved rate increase.

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Jordan Ayers  
Deputy City Manager

RESOLUTION NO. 2010-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
AMENDING THE CITY OF LODI FINANCIAL PLAN AND  
BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1,  
2009 AND ENDING JUNE 30, 2010

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WHEREAS, the City Council adopted a balanced Financial Plan and Budget for Fiscal Year 2009-10 on June 10, 2009, and

WHEREAS, the adopted 2009-10 Financial Plan and Budget was prepared in accordance with the City Council's goals, budget assumptions and policies, and

WHEREAS, revisions to the adopted 2009-10 Financial Plan and Budget are necessary to address operating changes and previously approved revenue increases.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby revise the adopted 2009-10 Financial Plan and Budget as follows:

1. Approve the de-centralization of the purchasing function by:
  - a. transferring one Buyer and one Senior Storekeeper position to the Electric Utility, and
  - b. eliminating the central store operation, and
  - c. reducing the appropriations in the Purchasing business unit (100422) by \$64,000, and
  - d. absorbing the increased costs within the Electric Utility.
2. Increase estimated revenues in the Wastewater fund by \$1,750,800.
3. Approve the re-organization of Public Works including:
  - a. creating the position of Deputy Public Works Director – Water/Wastewater and Streets and deleting the positions of Water Services Manager and Streets and Drainage Manager, and
  - b. reclassifying the position of Laboratory Services Supervisor to Laboratory Services And Environmental Compliance Superintendent and deleting the position of Laboratory Services Supervisor, and
  - c. reclassifying the position of Senior Plant and Equipment Mechanic to Water/Wastewater Supervisor and deleting the position of Senior Plant and Equipment Mechanic, and



- d. reclassifying the position of Assistant Streets and Drainage Manager to Streets and Drainage Superintendent and deleting the position of Assistant Streets and Drainage Manager, and
- e. creating the position of Compliance Engineer, and
- f. absorbing increased costs of \$21,100 within existing appropriations.

Dated: January 20, 2010

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I hereby certify that Resolution No. 2009-\_\_\_\_ as passed and adopted by the City Council of the City of Lodi in a regular meeting held January 20, 2010, by the following votes:

AYES: COUNCIL MEMBERS –  
NOES: COUNCIL MEMBERS –  
ABSENT: COUNCIL MEMBERS –  
ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2010-\_\_\_\_



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Provide Direction to Staff to Resolve Unpermitted Sidewalk Removal at 1032 Laurel Avenue

**MEETING DATE:** January 20, 2010

**PREPARED BY:** Public Works Director

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**RECOMMENDED ACTION:** Provide direction to staff to resolve unpermitted sidewalk removal at 1032 Laurel Avenue.

**BACKGROUND INFORMATION:** Mrs. Sharon Hughes, the property owner of 1032 Laurel Avenue, removed the sidewalk and replaced it with grass in approximately October 2008, in response to the City of Lodi's order to repair the damaged sidewalk fronting the property. This work was performed without securing an encroachment permit from the City that is required when any work is performed within the City's right of way. Under the City's existing sidewalk policy, the repairs are the property owner's responsibility because there are no City street trees which could have caused the damage. In removing the sidewalk without an encroachment permit, Mrs. Hughes violated Lodi Municipal Code Section 12.04.060. Mrs. Hughes requests permission to purchase the street right-of-way along her property at the end of the cul-de-sac that fronts Lodi Lake in lieu of replacing the sidewalk. The attached exhibits present information regarding the conditions at this location.

The parcel at 1032 Laurel Avenue is located at the north end of Laurel Avenue, at which location the public street narrows to 11 feet in width. At this location, the 11-foot-wide street has the appearance of being a private driveway, even though it is public right of way. The public right of way ends at the north property line of the parcel at 1032 Laurel Avenue. There are two parcels with homes located north of 1032 Laurel Avenue to which access is provided by a shared private driveway.

Staff considered several options, outlined below, to resolve the issue of whether or not to force replacement of the sidewalk upon the property owner. Staff requests Council direction by selecting one of the three or an alternative option before proceeding.

- 1) Order the property owner to replace the sidewalk and, if the work is not completed, the City will replace the sidewalk and will then seek reimbursement as provided for by City policy and the Streets and Highways Code.
- 2) Sell the right-of-way to the property owner at its appraised value with a requirement that a private access easement be provided to the benefit of northern neighbors.
- 3) Offer to exchange the right-of-way for handicap ramp improvements at the corner of Laurel Avenue and Turner Road, consistent with past City practice of exchanging right-of-way for improvements, and provide a private access easement as required in Option 2.

Staff would not normally consider the latter two options, but given the nature of the existing cul-de-sac, neighborhood complaints about parking abuses on Laurel Avenue and the pre-existence of a private drive

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

already on the northernmost house on Laurel Avenue, a transfer of the right-of-way may be appropriate in this unique case.

**FISCAL IMPACT:** Potential income/in-kind improvements to Street Fund and potential appraisal cost.

**FUNDING AVAILABLE:** None identified.

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F. Wally Sandelin  
Public Works Director

Prepared by Curtis Juran, Assistant Streets and Drainage Manager  
FWS/CJ/dsg  
Attachments  
cc: D. Stephen Schwabauer, City Attorney  
Curtis Juran, Assistant Streets and Drainage Manager





CITY OF LODI

PUBLIC WORKS DEPARTMENT

LAUREL AVENUE  
NORTH OF TURNER RD







# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## LAUREL AVENUE NORTH OF TURNER ROAD







1. Laurel Ave.

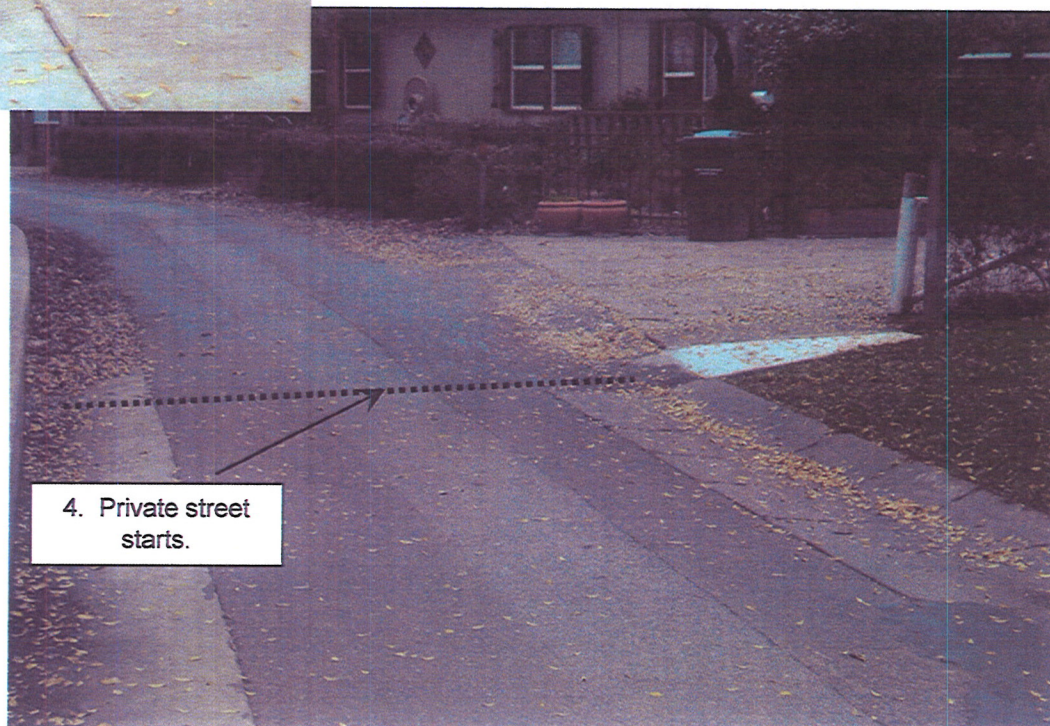


2. Street narrows to 11 feet.





3. 1032 Laurel Ave.



4. Private street starts.





Intersection of Laurel Ave. & Turner  
Road, possible site for handicap  
ramps.







## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Discussion Regarding the Timing of the Collection of Impact Fees

**MEETING DATE:** January 20, 2010

**PREPARED BY:** Community Development Director

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**RECOMMENDED ACTION:** Discussion regarding the timing of the Collection of Impact Fees.

**BACKGROUND INFORMATION:** As the City Council is aware, the City charges impact fees on new development activities. This program has been in place since early 1992. The fees are charged to cover costs for municipal activities such as water, sewer, parks, and streets. The City collects these fees at the time of permit issuance. This has been the typical time for collection of these fees, as well as others, including building permit and outside agency fees.

Recently, the City was approached by the Building Industry Association (BIA) with a request to defer the collection of these fees until the construction activity is complete and a Certificate of Occupancy is issued. While this presents some concern on the part of staff regarding the certainty of collection, we do feel the collection at this time is more appropriate given the fact that the impact on these various services does not occur until the structure is actually occupied. There are no change proposed for impact fee amounts.

If the City Council desires changing the date of collection, staff will prepare the necessary amendments to the implementing ordinance and bring it back for action at a future meeting.

For informational purposes, we are attaching the existing fee schedule, an example of a typical fee sheet for a recent single family dwelling and the information provided by Mr. Beckman of the BIA.

**FISCAL IMPACT:** N/A

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Konradt Bartlam  
Community Development Director

KB/kjc

Attachments:  
Fee Schedule  
Typical Single family Dwelling Fee sheet  
Summary of Fee information provided by the BIA

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



# City of Lodi

Public Works Department

## Fee and Service

## Charge Schedule

### Development Impact Mitigation Fees

RAE = Residential Acre Equivalent

| Land Use Category    | Total Fee<br>per Acre | Water<br>RAE | Fee/Acre | Storm Drainage<br>RAE     | Fee/Acre | Streets<br>RAE      | Fee/Acre | Police<br>RAE | Fee/Acre |
|----------------------|-----------------------|--------------|----------|---------------------------|----------|---------------------|----------|---------------|----------|
| Residential          |                       |              |          |                           |          |                     |          |               |          |
| Low Density          | \$82,094              | 1.00         | \$5,334  | 1.00                      | \$19,508 | 1.00                | \$15,175 | 1.00          | \$2,097  |
| Medium Density       | \$121,675             | 1.96         | \$10,455 | 1.00                      | \$19,508 | 1.96                | \$29,743 | 1.77          | \$3,712  |
| High Density         | \$209,364             | 3.49         | \$18,616 | 1.00                      | \$19,508 | 3.05                | \$46,284 | 4.72          | \$9,898  |
| Planned Low Density  | \$82,094              | 1.00         | \$5,334  | 1.00                      | \$19,508 | 1.00                | \$15,175 | 1.00          | \$2,097  |
| Planned Med. Density | \$121,675             | 1.96         | \$10,455 | 1.00                      | \$19,508 | 1.96                | \$29,743 | 1.77          | \$3,712  |
| Planned High Density | \$209,364             | 3.49         | \$18,616 | 1.00                      | \$19,508 | 3.05                | \$46,284 | 4.72          | \$9,898  |
| Commercial           |                       |              |          |                           |          |                     |          |               |          |
| Retail               | \$92,041              | 0.64         | \$3,414  | 1.33                      | \$25,946 | 2.08                | \$31,564 | 4.12          | \$8,640  |
| Office               | \$120,691             | 0.64         | \$3,414  | 1.33                      | \$25,946 | 3.27                | \$49,622 | 3.72          | \$7,801  |
| Industrial           |                       |              |          |                           |          |                     |          |               |          |
| Light                | \$71,820              | 0.26         | \$1,387  | 1.33                      | \$25,946 | 2.00                | \$30,350 | 0.30          | \$629    |
| Heavy                | \$65,852              | 0.26         | \$1,387  | 1.33                      | \$25,946 | 1.27                | \$19,272 | 0.19          | \$398    |
|                      |                       | Fire<br>RAE  | Fee/Acre | Parks & Recreation<br>RAE | Fee/Acre | General City<br>RAE | Fee/Acre |               |          |
| Residential          |                       |              |          |                           |          |                     |          |               |          |
| Low Density          |                       | 1.00         | \$2,049  | 1.00                      | \$29,461 | 1.00                | \$8,470  |               |          |
| Medium Density       |                       | 1.96         | \$4,016  | 1.43                      | \$42,129 | 1.43                | \$12,112 |               |          |
| High Density         |                       | 4.32         | \$8,852  | 2.80                      | \$82,491 | 2.80                | \$23,716 |               |          |
| Planned Low Density  |                       | 1.00         | \$2,049  | 1.00                      | \$29,461 | 1.00                | \$8,470  |               |          |
| Planned Med. Density |                       | 1.96         | \$4,016  | 1.43                      | \$42,129 | 1.43                | \$12,112 |               |          |
| Planned High Density |                       | 4.32         | \$8,852  | 2.80                      | \$82,491 | 2.80                | \$23,716 |               |          |
| Commercial           |                       |              |          |                           |          |                     |          |               |          |
| Retail               |                       | 2.69         | \$5,512  | 0.32                      | \$9,428  | 0.89                | \$7,538  |               |          |
| Office               |                       | 2.46         | \$5,041  | 0.54                      | \$15,909 | 1.53                | \$12,959 |               |          |
| Industrial           |                       |              |          |                           |          |                     |          |               |          |
| Light                |                       | 0.64         | \$1,311  | 0.23                      | \$6,776  | 0.64                | \$5,421  |               |          |
| Heavy                |                       | 0.61         | \$1,250  | 0.33                      | \$9,722  | 0.93                | \$7,877  |               |          |

See Notes 4, 5, 6.

Reference: LMC Chapter 15.64 & Resolution 2001-242 & 2004-236

#### Notes

1. This schedule is a summary only; refer to the reference cited for details of applicability and interpretations.
2. LMC = Lodi Municipal Code; PWD = Public Works Department
3. Fees must be paid or guaranteed before work is scheduled or applicable Map/Permit issued.
4. Special area assessments or charges required by reimbursement agreements are not included in this summary.
5. Impact fees shall be adjusted accordingly on projects for which the proposed land use does not match the land use definitions in LMC Chapter 15.64 or for "projects in progress" that have paid previous impact mitigation fees.
6. For mixed use projects, the appropriate land use category shall be used for the area of each use. For example, an office building or bank located in a shopping center will be charged Commercial-Office rates.
7. For Wastewater Capacity Impact Fee, refer to schedule on page 3 of 6.
8. Fees noted shall be adjusted annually based on the change in the 20-City Construction Cost Index in the Engineering News Record for the prior calendar year. Said fee adjustments will be automatically effective January 1 of each year.

**Local Impact Fee Deferral/Reduction  
Matrix  
9-3-09**

| Fee<br>Reductions | Fees Deferred or Reduced |                                                                                                                                                                                                                                                                                                                                                               | Date Deferral/<br>Reduction<br>Ordinance Became<br>Effective | Date<br>Deferral/Reduction<br>Ordinance<br>Expires<br>(if any) | Fee Payment<br>Deferred Until                                          | Bonding or<br>Letter of<br>Credit<br>Requirements |
|-------------------|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|----------------------------------------------------------------|------------------------------------------------------------------------|---------------------------------------------------|
|                   | <b>Fresno County</b>     |                                                                                                                                                                                                                                                                                                                                                               |                                                              |                                                                |                                                                        |                                                   |
|                   | County of Fresno         | <ul style="list-style-type: none"> <li>• Fire Facilities</li> <li>• Police Facilities</li> <li>• Parks Capital</li> <li>• Quimby Parkland</li> <li>• Traffic Signal</li> <li>• Major Street</li> <li>• Community Sanitation</li> </ul> <b>Total deferred - \$11,856</b>                                                                                       | 2002                                                         | None                                                           | Upon Certificate of Occupancy                                          | <b>NO</b>                                         |
|                   | City of Fresno           | Parks and Fire fees extended to about a dozen developers (970 residential lots)<br>Savings of about \$3.4 million.                                                                                                                                                                                                                                            | July 30 <sup>th</sup>                                        | Nearly unlimited extension                                     |                                                                        |                                                   |
|                   | City of Clovis           | <ul style="list-style-type: none"> <li>• Fire Facilities</li> <li>• Police Facilities</li> <li>• Parks Capital</li> <li>• Traffic Signal</li> <li>• Major Street</li> <li>• Community Sanitation</li> <li>• Underground Utilities</li> </ul> <b>Total deferred - \$15,601</b>                                                                                 | 1998                                                         | None                                                           | Upon close of escrow                                                   | <b>NO</b>                                         |
|                   | <b>Imperial County</b>   |                                                                                                                                                                                                                                                                                                                                                               |                                                              |                                                                |                                                                        |                                                   |
|                   | County of Imperial       | <ul style="list-style-type: none"> <li>• General Government; <b>SF \$1,699, MF \$977</b></li> <li>• Sheriff; <b>SF \$936, MF \$727</b></li> <li>• Parks and Recreation; <b>SF &amp; MF \$452</b></li> <li>• Fire; <b>SF \$1,273, MF \$977</b></li> <li>• Public Works; <b>SF \$1,894, MF \$1,453</b></li> </ul> <b>Total deferral: SF \$6,254, MF \$4,933</b> | April 1, 2008                                                | 12 months w/<br>possible 12 month<br>extension                 | At application for<br>Certificate of<br>Occupancy/ Final<br>Inspection | <b>NO</b>                                         |

|   |                                                                                                                                   |                                                                                                                                                                                                                                                                                                           |                  |                                          |                                                                                         |                                                       |
|---|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------------------------------|-----------------------------------------------------------------------------------------|-------------------------------------------------------|
| * | Imperial County Air Pollution Control District (DC)                                                                               | Rule 310 Operational Development Fees Cut by 50% to: <ul style="list-style-type: none"> <li>\$258.00/SFU</li> <li>\$196.50/MFU</li> <li>\$0.80/sq.ft. Com</li> </ul>                                                                                                                                      | February 3, 2009 | 12 months w/ possible 12 month extension | At application for Certificate of Occupancy/ Final Inspection                           | <b>NO</b>                                             |
|   | City of Brawley (DC)                                                                                                              | Development Impact Fees<br><b>Delayed increase of \$8,596</b>                                                                                                                                                                                                                                             | January 1, 2008  | Undetermined                             | At Building Permit                                                                      | <b>NO</b>                                             |
|   | City of El Centro (DC)                                                                                                            | Development Impact Fees                                                                                                                                                                                                                                                                                   | June 1, 2008     | Undetermined                             | On a case-by-case basis after meeting w/ builder and a review of market conditions      | <b>Negotiated</b>                                     |
|   | (4) El Centro School Districts (DC)<br>McCabe Elementary<br>Central Union High School<br>Heber Elementary<br>El Centro Elementary | School Fees –<br>Average Combined \$5.00/sq.ft.<br>Demanding \$15.10 - \$18.00/sq.ft.<br>Extorting thru delay tactics in CEQA process                                                                                                                                                                     | May 1, 2009      | N/A                                      | City has backed the industry, denied Marshall Krupp's (Districts) tactics, approved EIR | <b>N/A</b>                                            |
|   | City of Imperial (DC)                                                                                                             | Development Impact Fees                                                                                                                                                                                                                                                                                   | August 1, 2008   | 12 months w/ possible 12 month extension | At application for Certificate of Occupancy/Final Inspection                            | <b>Negotiated signed agreement at building permit</b> |
|   | <b>Madera County</b>                                                                                                              |                                                                                                                                                                                                                                                                                                           |                  |                                          |                                                                                         |                                                       |
|   | County of Madera                                                                                                                  | Street Impact Fees                                                                                                                                                                                                                                                                                        | 2000             | None                                     | Upon Certificate of Occupancy                                                           | <b>NO</b>                                             |
|   | City of Madera                                                                                                                    | <ul style="list-style-type: none"> <li>Park Facilities</li> <li>Street Impact</li> <li>Traffic Signal</li> </ul>                                                                                                                                                                                          | 2001             | None                                     | Upon Certificate of Occupancy                                                           | <b>NO</b>                                             |
|   | <b>Orange County</b>                                                                                                              |                                                                                                                                                                                                                                                                                                           |                  |                                          |                                                                                         |                                                       |
|   | City of Irvine                                                                                                                    | <ul style="list-style-type: none"> <li>System Development Charges</li> <li>IBC Development Impact Fees</li> <li>Park Fees</li> <li>Street Slurry Seal Fees</li> <li>Affordable Housing In-Lieu Fees</li> </ul> <b>Total deferral - Up to \$33,000 per unit</b><br><br>Reduced DIF fees by 26% for 5 years | Approved         | 7/23/2009                                | Upon issue of Certificate of Occupancy                                                  | <b>NO</b>                                             |

|   |                                    |                                                                                                                                                                                                                                                                                                                        |                 |            |                                        |           |
|---|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------------|----------------------------------------|-----------|
|   |                                    |                                                                                                                                                                                                                                                                                                                        |                 |            |                                        |           |
| * | City of Santa Ana                  | One year deferral up to \$15,852<br>7% decrease in Building & Planning Fees                                                                                                                                                                                                                                            | Approved        | 10/1/2009  | Upon issue of Certificate of Occupancy | <b>NO</b> |
|   | City of Mission Viejo              | Permanent deferral of all DIF's                                                                                                                                                                                                                                                                                        | Approved        | None       | Upon issue of Certificate of Occupancy |           |
| * | County of Orange                   | Impact Fees – does NOT include Police or Fire<br><br><b>Total deferral - Up to \$40k per unit</b><br>7% decrease in Building & Planning Fees                                                                                                                                                                           | Approved        | 5/8/2009   | Upon issue of Certificate of Occupancy | <b>NO</b> |
|   | City of Orange                     | <ul style="list-style-type: none"> <li>• Police facility fee</li> <li>• Park impact fees</li> <li>• Library impact fees</li> <li>• Fire protection facility impact fees</li> <li>• Transportation systems improvement program fees</li> <li>• Quimby park fees</li> </ul> <b>Total deferral - Up to \$13k per unit</b> | Approved        | None       | Upon issue of Certificate of Occupancy | <b>NO</b> |
|   | City of Anaheim                    | <ul style="list-style-type: none"> <li>• Parks</li> <li>• Electrical Service fee</li> <li>• Drainage fee</li> <li>• Signal impact fee</li> <li>• Traffic and Roads impact fee</li> </ul> <b>Total deferral - Up to \$10k per unit differed</b>                                                                         | Approved        | 7/5/2010   | Upon issue of Certificate of Occupancy | <b>NO</b> |
|   | City of Tustin                     | TBD – Based on density                                                                                                                                                                                                                                                                                                 | Approved        | 10/1/2009  |                                        |           |
|   | City of Huntington Beach           | Total Deferral – up to \$30,000                                                                                                                                                                                                                                                                                        | Approved        | 3/30/2010  |                                        |           |
|   | City of Costa Mesa                 | <b>TBD Deferral Program</b>                                                                                                                                                                                                                                                                                            | <b>Pending</b>  |            |                                        |           |
|   | City of Fullerton                  | <b>TBD Deferral Program</b>                                                                                                                                                                                                                                                                                            | <b>Pending</b>  |            |                                        |           |
|   | Anaheim Union High School District | <b>School Fees - \$20,000</b>                                                                                                                                                                                                                                                                                          | <b>Approved</b> | 12/31/2009 | Upon issue of Certificate of Occupancy |           |
|   | OC Sanitation District             | Enabling Resolution for Deferral – Approx \$5,000                                                                                                                                                                                                                                                                      | Approved        | 7/31/09    |                                        |           |
|   | <b>Riverside County</b>            |                                                                                                                                                                                                                                                                                                                        |                 |            |                                        |           |

|   |                       |                                                                                                                                                                                                                                                                                                                                                                                                                                         |               |                                      |                                                                                                                       |            |
|---|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------|------------|
| ✱ | County of Riverside   | Impact Fees<br><br><b>Reduced fees by 50%</b><br>Was: \$4,057<br>Savings: \$2,028.50                                                                                                                                                                                                                                                                                                                                                    | 7/14/09       |                                      | At application for Certificate of Occupancy/ Final Inspection                                                         |            |
|   |                       | Deposit Based Fees for Transportation/Plan Check                                                                                                                                                                                                                                                                                                                                                                                        | 16-Jan-08     | None                                 | Deposit prior to inspection 2% instead of 3 of construction cost - \$50,000 max. initial deposit                      |            |
|   |                       | Deposit Based Fees for Transportation/Inspection Fees                                                                                                                                                                                                                                                                                                                                                                                   | 16-Jan-08     | None                                 | Deposit prior to inspection 3% removed deposit for water and sewer construction costs - \$75,000 max. initial deposit |            |
|   | City of Banning       | <ul style="list-style-type: none"> <li>• Administrative program processing fee</li> <li>• Development impact fee</li> <li>• Fire protection facilities fee</li> <li>• General facility and equipment fee</li> <li>• General plan</li> <li>• Park land fee</li> <li>• Police facilities fee</li> <li>• Solid waste facility and equipment fee</li> <li>• Traffic control facility fee</li> <li>• Water capital facilities fee</li> </ul> | 5-Mar-08      | 12 months                            | Upon issue of Certificate of Occupancy                                                                                |            |
|   | City of Indio         | Quimby Fees - <b>\$2,193.75 per unit</b>                                                                                                                                                                                                                                                                                                                                                                                                | 19-Dec-07     | None                                 | From Map Application to Building permit                                                                               |            |
|   | City of Moreno Valley | Impact Fees - <b>\$13,745</b>                                                                                                                                                                                                                                                                                                                                                                                                           | 8-Jan-08      | None                                 | Upon issue of Certificate of Occupancy                                                                                |            |
|   | City of Palm Desert   | Planning and Service Fee Increase                                                                                                                                                                                                                                                                                                                                                                                                       | 13-Dec-07     | Six (6) months w/ possible extension | At submittal for service deposit based                                                                                | <b>N/A</b> |
| ✱ | City of Beaumont      | \$5,217/DU reduction (32%) in Development Impact Fees and a deferral of DIF collection until “prior to final building inspection”                                                                                                                                                                                                                                                                                                       | February 2009 | July 2012                            |                                                                                                                       |            |

|   |                                                  |                                                                                                                                                                                                                         |                     |                                                                           |                                                                        |  |
|---|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------------------------------------------------------------|------------------------------------------------------------------------|--|
| ✱ | City of Corona                                   | 40% reduction of development impact fees                                                                                                                                                                                | Approved (5/6/2009) | Two years (May 2011)                                                      |                                                                        |  |
| ✱ | City of Perris                                   | <b>Fees reduced by 50%</b><br><br>Was: \$12,668<br>Savings: \$6,334.00                                                                                                                                                  | 6/30/09             |                                                                           | Upon issue of Certificate of Occupancy                                 |  |
| ✱ | Perris High School District                      | <b>School fees reduced by \$2, 960.00</b>                                                                                                                                                                               |                     |                                                                           |                                                                        |  |
|   | City of Lake Elsinore                            | Deferral of all impact fees to COO                                                                                                                                                                                      |                     |                                                                           | Upon issue of Certificate of Occupancy                                 |  |
|   | City of Hemet                                    | Deferral of all impact fees to COO                                                                                                                                                                                      |                     |                                                                           | Upon issue of Certificate of Occupancy                                 |  |
|   | City of San Jacinto                              | Deferral of all impact fees to COO                                                                                                                                                                                      |                     |                                                                           | Upon issue of Certificate of Occupancy                                 |  |
|   | Eastern Municipal Water District                 | District postponed the imposition of an approved fee increase of over \$3,000 per EDU.<br><br>(Approved (May, 2008) but not instituted fee \$10,427.00/EDU. Fee until July 1, 2009 \$7,275/EDU. Savings:\$3,152.00/EDU) | April 1, 2009       | July 1, 2009                                                              |                                                                        |  |
|   | Western Riverside Council of Governments         | TUMF Master Ordinance                                                                                                                                                                                                   |                     |                                                                           | Upon issue of Certificate of Occupancy                                 |  |
| ✱ | City of Menifee                                  | Development Impact Fee's cut by 65%<br>Hourly rate for planning services reduced by 20%                                                                                                                                 | July 7, 2009        | June 30, 2010 or upon the issuance of 500 permits (whichever comes first) |                                                                        |  |
|   | Coachella Valley Association of Governments (DC) | Transportation Uniform Mitigation Fee (TUMF)<br>(SFU - \$1,837.44)                                                                                                                                                      | September 1, 2008   | 2010 will see a new nexus study for potential increase                    | Fees were scheduled to increase twice during this time period based on |  |

|   |                                               |                                                                                                                                                                                     |                                        |                                          |                                                                            |                                                     |
|---|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|------------------------------------------|----------------------------------------------------------------------------|-----------------------------------------------------|
|   |                                               |                                                                                                                                                                                     |                                        |                                          | ENR-CCI                                                                    |                                                     |
|   |                                               | Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) – Local Development Mitigation Fee (FDMF) (SFU - \$1,284)                                                     | October 2, 2008                        | None – Subject to periodic review        | Fees due upon application for Certificate of Occupancy                     |                                                     |
| * | Coachella Valley Water District (DC)          | Water System Backup Facility Charge; Supplemental Water Charge; Sanitation Charge                                                                                                   | December 24, 2007                      | 12 months w/ possible 12 month extension | Fees due at close of Escrow or no later than six months after installation | <b>Negotiated signed agreement – Board Approval</b> |
|   |                                               | Water System Backup Facility Charge<br><br>\$3,557 proposed \$3, 755<br>(\$198 difference)<br><br>Supplemental Water Charge<br>\$9, 530 proposed \$17, 027<br>(\$7, 497 difference) | September 1, 2008<br>Extended May 2009 | July 1, 2010<br>For evaluation           | Will delay increasing valid fee rates until mid-2010                       | <b>NO</b>                                           |
|   |                                               | Sanitation Capacity Charge<br>\$3, 995 proposed \$4,231<br>(\$235 difference)                                                                                                       | May 1, 2009                            | July 1, 2010<br>For re-evaluation        | Will delay increasing valid fee rates until mid-2010                       | <b>NO</b>                                           |
|   | Coachella Valley Unified School District (DC) | School Impact Fees<br><br>Reduced from \$3. 78 to \$3.00 due to legal challenge                                                                                                     | June 24, 2009                          | 12 months or until next SFNA             | Fees due at Building Permit                                                | <b>NO</b>                                           |
|   | City of Desert Hot Springs (DC)               | Development Impact & Public Art Fees – Tolling Agreement Proposed \$11,000 increase w/o basic nexus support                                                                         | April 20, 2009                         | N/A                                      | Outlined terms of agreement reducing proposed fee \$6,600                  | <b>N/A</b>                                          |
|   | Desert Water Agency (DC)                      | Backup Facility Charges – Supplemental Imported Water Charges                                                                                                                       | September 20, 2007                     | 12 months w/ possible 12 month extension | Fees due at Escrow                                                         | <b>Negotiated signed agreement</b>                  |
|   | City of La Quinta (DC)                        | Delayed Implementation of adopted / supportable Development Impact Fee increases on residential construction                                                                        | October 7, 2008                        | w/ possible 12 month extension           | Fees due at Building Permit                                                | <b>N/A</b>                                          |



|  |                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                  |                                                 |                                                           |                   |
|--|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------------------------------------|-----------------------------------------------------------|-------------------|
|  | City of Palm Springs (DC)    | Public Arts and Quimby Fees                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | February 4, 2009 | 12 months w/<br>possible 12 month<br>extension  | At application for<br>Final<br>Inspection/Certific<br>ate | <b>Not Stated</b> |
|  |                              | Planning Land Use, Inspection Fees                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | February 4, 2009 | 12 months w/<br>possible 12 months<br>extension | Delayed<br>implementation of<br>fee increase              | <b>N/A</b>        |
|  | <b>San Bernardino County</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                  |                                                 |                                                           |                   |
|  | San Bernardino               | <b>Total Deferral:</b><br><b>Single Family Detached (SFD) – \$15,506.60</b><br><b>Single Family Attached (SFA) – \$10,997.20</b> <ul style="list-style-type: none"> <li>• Law enforcement facilities, vehicles and equipment; <b>SFD, \$535; SFA, \$474</b></li> <li>• Fire suppression facilities, vehicles and equipment; <b>SFD, \$663; SFA, \$818</b></li> <li>• Regional circulation system; <b>SFD, \$2,435; SFA, \$1,626</b></li> <li>• Local circulation system; <b>SFD, \$195; SFA, \$130</b></li> <li>• Quimby Act Parkland and open space acquisition and park improvement; AB 1600 parkland and open space acquisition and park improvement; <b>SFD, \$6,688; SFA, \$5,293</b></li> <li>• Library facility and collection; <b>SFD, \$534; SFA, \$423</b></li> <li>• Public meeting facilities; <b>SFD, \$765.60; SFA, \$605.60</b></li> <li>• Aquatics facilities; <b>SFD, \$273; SFA, \$216</b></li> <li>• Storm Drain Development; <b>SFD, \$3,418; SFA, \$1,411</b></li> </ul> | Pending          | None                                            | Upon issue of<br>Certificate of<br>Occupancy              |                   |

|  |                                     |                                                                                                                                                                                                                                                                                                                           |            |                                                  |                                              |  |
|--|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|--------------------------------------------------|----------------------------------------------|--|
|  | Victorville                         | <ul style="list-style-type: none"> <li>• Roads, \$4,470.05</li> <li>• Fire, \$328.81</li> <li>• Police, \$139.07</li> <li>• Parks, \$5,054.87 – <b>Temp. Adjustment, \$0</b></li> <li>• Facilities, \$1,334.35 – <b>Temp. Adjustment, \$0</b></li> </ul> <p><b>DIF Fees dropped from \$11,300 to \$4,900 per unit</b></p> |            | Six (6) months w/<br>possible extension          | Upon issue of<br>Certificate of<br>Occupancy |  |
|  | <b>Tulare County</b>                |                                                                                                                                                                                                                                                                                                                           |            |                                                  |                                              |  |
|  | City of Visalia                     | All Development Impact Fee's deferred                                                                                                                                                                                                                                                                                     | 1994       | Ongoing                                          |                                              |  |
|  | City of Porterville                 | All Development Impact Fee's deferred                                                                                                                                                                                                                                                                                     | March 2009 | Ongoing                                          |                                              |  |
|  | Farmersville                        | All Development Impact Fee's deferred                                                                                                                                                                                                                                                                                     | March 2009 | Ongoing                                          |                                              |  |
|  | Porterville Unified School District | School Fees deferred                                                                                                                                                                                                                                                                                                      | April 2009 | One year                                         |                                              |  |
|  | Burton School District              | School Fees deferred                                                                                                                                                                                                                                                                                                      | April 2009 | Ongoing                                          |                                              |  |
|  | Visalia Unified School District     | School Fees deferred                                                                                                                                                                                                                                                                                                      | June 2009  | June 2010                                        |                                              |  |
|  | Tulare City School District         | School Fees deferred                                                                                                                                                                                                                                                                                                      | June 2009  | June 2010                                        |                                              |  |
|  | <b>Ventura County</b>               |                                                                                                                                                                                                                                                                                                                           |            |                                                  |                                              |  |
|  | City of Ventura                     | Impact Fees – Determined on a case by case basis                                                                                                                                                                                                                                                                          | Approved   | Six months w/<br>possible six month<br>extension | Upon issue of<br>Certificate of<br>Occupancy |  |

|   |                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |          |                              |                                                                                                             |           |
|---|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------------------------|-------------------------------------------------------------------------------------------------------------|-----------|
|   | City of Santa Paula   | Impact Fees                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Approved |                              | Upon issue of Certificate of Occupancy                                                                      |           |
| * | City of Thousand Oaks | Temporary rollback of IZ in lieu fees to \$0<br><br>Savings:<br>Detached single family dwelling 9,000 dwelling unit<br>Townhouse condo 25,000 dwelling unit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Approved | June 30 <sup>th</sup> , 2010 |                                                                                                             |           |
|   | <b>Placer County</b>  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |          |                              |                                                                                                             |           |
|   | City of Roseville     | <b>Total Deferral: \$30,092.43</b><br><br><b>Fees paid at Issuance of Building Permit</b> <ul style="list-style-type: none"> <li>• Fire Service Construction Tax, \$1,107.30</li> <li>• Public Facilities Fee, \$2,821.50</li> <li>• Regional Sewer Fee, \$5,815</li> <li>• Local Sewer Fee, \$305</li> <li>• Water Connection Fee, \$4,675</li> <li>• Traffic Mitigation Fee, \$4,411.13</li> </ul> <b>Development Agreement Fees</b> <ul style="list-style-type: none"> <li>• Water meter retrofit program, \$135</li> <li>• Public Benefit Fee, \$1,280</li> <li>• General fund contribution, \$1,060</li> <li>• Traffic signal coordination fee, \$100</li> <li>• South Placer animal control shelter fee, \$50</li> <li>• Transit shuttle service tax, \$52.50</li> </ul> <b>Other Fees</b> <ul style="list-style-type: none"> <li>• Electric direction installation fee, \$2,000</li> <li>• Solid waste impact fee, \$410</li> </ul> | Approved | 31-Dec-08                    | Close of Escrow<br>\$258 permit processing fee                                                              | <b>NO</b> |
|   | City of Lincoln       | Fees deferred:<br><br>Sewer<br>Water<br>CAT<br>Drainage<br>Community Services Fee<br>Traffic Mitigation<br><br>Dollar amount depends on location in the city.<br>Could be as high as \$41,521.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Approved | Permanent                    | Certificate of Occupancy or up to 12 months following issuance of building permit, which ever occurs first. | <b>NO</b> |

|   | Sacramento County |                                                                                                                                                                                                                                                                                                                    |          |                                                                     |                                                                                                                                                                                                                                                                                |           |
|---|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
|   | City of Elk Grove | <ul style="list-style-type: none"> <li>• Capital Facilities Fee</li> <li>• Affordable Housing Fee</li> <li>• Very Low-Income Housing Trust Fund Fee</li> <li>• Citywide Roadway Fee</li> </ul> <p>\$18,595 for SF*<br/>\$11,931 for MF*<br/>*Total deferral may depend on project or part of the city.</p>         | Approved | The Ordinance implementing the program will expire on June 30, 2010 | Issuance of a Final Inspection; OR to the close of escrow OR to the maximum allowed deferral period (24 months)<br><br>After this period, residential projects may apply for an extension (12 months at the discretion of the City Manager) during which interest will accrue. | <b>NO</b> |
| * | City of Elk Grove | <p>Roadway and Capital Facilities Impact Fees:<br/>Reduced by more than 30%</p> <p>Single family home fee reduced 30%: \$14,260 to \$9,894 per unit<br/>Fees for shopping center reduced 55%: \$12.00 per sq ft to \$7.51 per sq ft</p> <p>Fees for offices reduced 42%: \$14.23 per sq ft to \$6.31 per sq ft</p> | Approved |                                                                     |                                                                                                                                                                                                                                                                                |           |
|   | Yolo County       |                                                                                                                                                                                                                                                                                                                    |          |                                                                     |                                                                                                                                                                                                                                                                                |           |
| * | City of Woodland  | 20% discount on impact fees                                                                                                                                                                                                                                                                                        | Approved |                                                                     |                                                                                                                                                                                                                                                                                |           |
|   | Yuba County       |                                                                                                                                                                                                                                                                                                                    |          |                                                                     |                                                                                                                                                                                                                                                                                |           |
|   | Yuba County       | <ul style="list-style-type: none"> <li>• Countywide Capital Facilities Fee;</li> <li>• Levee Impact Fee;</li> <li>• PLSP/KASA Road Improvement Fee;</li> <li>• PLSPNASA Park Improvement Fee;</li> <li>• ELSP Road Improvement Fee;</li> <li>• ELSP Park Improvement Fee;</li> </ul>                               | Pending  | June 30, 2010                                                       | Final inspection.                                                                                                                                                                                                                                                              | <b>NO</b> |

|  |                                   |                                                                                                                              |          |        |                                                                                                                                                                                |  |
|--|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------|----------|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|  |                                   | <ul style="list-style-type: none"> <li>• Olivehurst Fire Impact Fee; and</li> <li>• Linda Fire Impact Fee.</li> </ul>        |          |        |                                                                                                                                                                                |  |
|  | <b>Santa Clara County</b>         |                                                                                                                              |          |        |                                                                                                                                                                                |  |
|  | City of San Jose                  | Park Fees                                                                                                                    | 2007     | Varies | Payment of In-Lieu fees may be deferred under a parkland agreement to final inspection for the first certificate of occupancy associated with the use of a residential unit(s) |  |
|  | <b>Contra Costa County</b>        |                                                                                                                              |          |        |                                                                                                                                                                                |  |
|  | City of San Ramon                 | Quimby Act park fees<br><br><b>*HBANC and city staff are in active discussions regarding additional fee deferral actions</b> | Approved |        | Deferred until building permit is pulled - Common Quimby Act practice is to collect park fees at final map approval                                                            |  |
|  | City of Brentwood                 | Water, wastewater, roadway, community facilities, parks and trails and administration development impact fees                |          |        | Deferred to COO/Final Inspection                                                                                                                                               |  |
|  | City of Concord                   | <b>*HBANC and city staff are in active discussions regarding developing fee deferral proposal.</b>                           |          |        |                                                                                                                                                                                |  |
|  | Tri Valley Transportation Council | <b>*HBANC and city staff are in active discussions regarding developing fee deferral proposal.</b>                           |          |        |                                                                                                                                                                                |  |
|  | City of Oakley                    | Repeal of a child care facility fee                                                                                          | Approved |        |                                                                                                                                                                                |  |

|   |                                                                                   |                                                                                                                                                                                                                                                                                                                     |                      |            |                                                                                          |  |
|---|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------|------------------------------------------------------------------------------------------|--|
|   | Mt. Diablo Unified School District                                                | School Facility Fees                                                                                                                                                                                                                                                                                                |                      |            | Deferred to COO/Final Inspection                                                         |  |
|   | East Contra Costa Habitat Conservation Plan / Natural Community Conservation Plan | The HCP/NCCP provides that the HCP/NCCP Mitigation Fees are to be automatically updated on March 15 of every year. For 2009, the Development Fees have gone down about 11%.                                                                                                                                         | Approved             | 3/14/2010  |                                                                                          |  |
|   | Central Contra Costa Sanitary District Board                                      | Sewer connection fees deferred to close of escrow                                                                                                                                                                                                                                                                   | Approved             |            | Close of Escrow                                                                          |  |
|   | <b>Alameda County</b>                                                             |                                                                                                                                                                                                                                                                                                                     |                      |            |                                                                                          |  |
| * | City of Fremont                                                                   | 10% reduction in development impact fees citywide<br><br>Creation of a package of specific Central Business District (CBD) incentives including, but not limited to, a reduction of Development Impact Fees by 25% within the CBD area until December 31, 2011. 75% of the fees will be collected during this time. | Approved             | 12/31/2010 | City staff to explore collection of fees at final inspection or Certificate of Occupancy |  |
|   | City of Livermore                                                                 | All development impact fees deferred until COO.                                                                                                                                                                                                                                                                     | Approved             |            | Upon issue of Certificate of Occupancy                                                   |  |
|   | Hayward Unified School District                                                   | School fees                                                                                                                                                                                                                                                                                                         |                      | Ongoing    | Upon issue of Certificate of Occupancy                                                   |  |
| * | City of Dublin                                                                    | Reduction to traffic impact fees anywhere from 3 percent to 11 percent<br><br>Two year moratorium on public art fees for residential and commercial development of 20 units or more.                                                                                                                                | Approved             |            |                                                                                          |  |
|   | City of Pleasanton                                                                | Deferral of impact fees                                                                                                                                                                                                                                                                                             | Approved (two years) | )          | Deferred to COO/COE (which ever occurs first                                             |  |

|   |                          |                                                                                                                                                                                                                              |          |         |                                                                             |           |
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|   | <b>Sonoma County</b>     |                                                                                                                                                                                                                              |          |         |                                                                             |           |
|   | City of Petaluma         | DIF's with the exception of the water connection fee which is due at time of setting meter.<br><br>Affordable housing in lieu fees                                                                                           | Approved | None    | Final Inspection or Certificate of Occupancy<br><br>Paid at close of escrow | <b>NO</b> |
|   | <b>Napa County</b>       |                                                                                                                                                                                                                              |          |         |                                                                             |           |
|   | City of Napa             | Affordable Housing in lieu fees                                                                                                                                                                                              |          |         | Upon issue of Certificate of Occupancy                                      |           |
|   | <b>Stanislaus County</b> |                                                                                                                                                                                                                              |          |         |                                                                             |           |
|   | City of Modesto          | Capital facilities fee<br><br>Removal of affordable housing requirements and set-asides for SFR<br><br>Fee deferrals from most school districts as in the Modesto MSA due to a pre-existing agreement.                       |          |         | Upon issue of Certificate of Occupancy                                      |           |
|   | <b>San Diego County</b>  |                                                                                                                                                                                                                              |          |         |                                                                             |           |
| ✱ | County of San Diego      | Residential and non residential Impact fees are deferred. Deferred fees include: transportation impact fee, Parkland dedication, Drainage and Sewer. Total: \$18,000<br><br>Reduced trans impact fees, one year ago, by 40%. | Approved |         | Upon final inspection or Certificate of Occupancy                           |           |
|   | City of San Diego        | Impact fees and Facilities Benefit Assessments deferred<br><br>(Represents the largest city to enact fee                                                                                                                     | 2009     | 2 years | Upon final inspection                                                       |           |

|   |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                         |         |                                       |  |
|---|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|---------|---------------------------------------|--|
|   |                     | deferrals)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                         |         |                                       |  |
|   | City of Chula Vista | Deferral of development impact fees to Certificate of Occupancy for all development projects.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Approved                                |         | Upon Certificate of Occupancy         |  |
| * | City of Carlsbad    | Reduced Traffic Impact Fees by 25% (\$12 million saved).<br><br>Savings around \$900 a house (10 ADT’s/unit)<br><br>Summary of NEW fees:<br><br><b>Residential</b><br><i>Outside CFD</i> <i>In CFD*</i><br>\$265/ADT                      \$224.20/ADT<br>Single Family (10 ADT's/unit)<br>\$2,650/unit                    \$2,242/unit<br>Multi-Family Condo (8 ADT's/unit)<br>\$2,120/unit                    \$1,793.60/unit<br>Apartment (6 ADT's/unit)<br>\$1,590/unit                    \$1,345.20/unit<br><b>Commercial/Industrial</b><br><i>Outside CFD</i> <i>In CFD</i><br>\$106/ADT                      \$89.68/ADT<br>Retail (40 ADT's/1,000)<br>\$4.24/sq. ft.                    \$3.59/sq. ft.<br>Com. Shopping Ctr. (80 ADT's/1000)<br>\$8.48/sq. ft.                    \$7.17/sq. ft.<br>Office (20 ADT's/1,000)<br>\$2.12/sq. ft.                    \$1.79/sq. ft.<br>Industrial (8 ADT's/1,000)<br>\$0.85/sq. ft.                    \$0.72/sq. ft.<br><br>*CFD – Community Facilities District | July 1, 2009                            | Ongoing |                                       |  |
|   | City of Encinitas   | Deferral Approved (exception: drainage fees still collected at Final Map).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                         |         | Upon Certificate of Occupancy         |  |
|   | City of Vista       | Approved (Traffic Impact Fees Only--project by project).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                         |         |                                       |  |
|   | City of Oceanside   | Development Impact Fees deferred                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Preliminary Approval: September 2, 2009 |         | 1 year or until final city inspection |  |



|   |                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                |                          |                               |  |
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|   |                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                |                          | (whichever comes first)       |  |
|   | Escondido Union School District       | Board reduced fees by 27% from \$3.02/square foot to \$2.19/square foot.                                                                                                                                                                                                                                                                                                                                                                                                        |                |                          |                               |  |
|   | <b>Santa Cruz County</b>              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                |                          |                               |  |
| * | Scotts Valley Unified School District | Developer fees reduced from \$6.31 per square foot to \$3.27 per square foot (nearly in half)                                                                                                                                                                                                                                                                                                                                                                                   | May 12, 2010   | The fee is set annually  |                               |  |
|   | <b>Kings County</b>                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                |                          |                               |  |
|   | City of Lenmoore                      | Development Impact Fees deferred                                                                                                                                                                                                                                                                                                                                                                                                                                                | February 2009  | Ongoing                  |                               |  |
|   | City of Hanford                       | Development Impact Fees deferred                                                                                                                                                                                                                                                                                                                                                                                                                                                | April 2009     | Ongoing                  |                               |  |
|   | <b>Santa Barbara</b>                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                |                          |                               |  |
| * | City of Santa Maria                   | <p>Development Impact Fees reduced from \$23,741 per 1,800-square foot home to \$21,498</p> <p>Total reduction: \$2,243</p> <p>Detached single-family home –</p> <p>Police, Fire, Recreation and Parks, City hall, and Corporation Yard Projects: from \$5.07 per square foot to \$4.70 per square foot</p> <p>Traffic Improvements: from \$4.72 per square foot to \$4.37</p> <p>*Charged at a flat rate, water and wastewater fees would rise from \$1,457 to \$1,533 and</p> | August 3, 2009 | Revised every other year | Upon Certificate of Occupancy |  |

|   |                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |        |                                          |  |
|---|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------|------------------------------------------|--|
|   |                           | from \$3,674 to \$3,791, respectively                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |        |                                          |  |
|   | <b>Merced County</b>      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |        |                                          |  |
| * | City of Merced            | <p>Impact fees reduced:</p> <p>Commercial projects – 25% reduction</p> <p>Infill Projects – 28% reduction</p> <p><b>Retail commercial (per 1,000 feet of space)</b></p> <p>Institutional — \$6,910 now \$5,182.50</p> <p>Low turnover — \$20,204 now \$15,153</p> <p>Retail (more than 50,000 square-feet) — \$15,246 now \$11,434.50</p> <p>Office/Commercial — \$13,336 now \$10,002</p> <p>Industrial (light) — \$3,812 now \$2,859</p> <p>Industrial (heavy) — \$3,987 now \$2,990.25</p> <p><b>Infill residential</b></p> <p>Single-family house — \$10,404 now \$7,491</p> |                 |        |                                          |  |
|   | <b>Los Angeles County</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |        |                                          |  |
|   | City of Santa Clarita     | Quimby, Bridge & Thoroughfare, and Transit Impact development fees deferred                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | August 25, 2009 | 1 year | Fees due at Building Permit for one year |  |

\* Indicates jurisdictions where fees have been reduced.



## **CITY OF LODI COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Authorize City Manager to Execute an Addendum to the 2008-2009 Memorandum of Understanding Between the City of Lodi and the Lodi City Mid-Management Association.

**MEETING DATE:** January 20, 2010

**SUBMITTED BY:** Human Resources Manager

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**RECOMMENDED ACTION:** Authorize City Manager to execute an addendum to the 2008-2009 Memorandum of Understanding between the City of Lodi and the Lodi City Mid-Management Association.

**BACKGROUND INFORMATION:** This agreement modifies the existing Memorandum of Understanding (MOU) between the City and the Mid-Management Association. The current MOU is effective January 1, 2008 through December 31, 2009. Rather than renegotiate a new MOU, the City and the Mid-Management Association have reached a tentative agreement to extend the current MOU through December 31, 2010 with several minor modifications. Those modifications are detailed in Exhibit A and are consistent with direction previously provided in Closed Session.

**FISCAL IMPACT:** Generally, no net change in the context of the MOU. The medical insurance opt-out provision may reduce the cost savings achieved, but it is a fairer assumption to believe it will result in a cost reduction as more people decline insurance.

**FUNDING AVAILABLE:** N/A.

Respectfully submitted,

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Jordan Ayers  
Deputy City Manager/Internal Services Director

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Dean Gualco  
Human Resources Manager

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

**EXHIBIT A****ADDENDUM TO THE LODI CITY MID-MANAGEMENT ASSOCIATION MOU**

Whereas, the City of Lodi and the Lodi City Mid-Management Association are parties to a Memorandum of Understanding (MOU) that will be extended through December 31, 2010; and

Whereas, the parties desire to enter into this Addendum to modify the MOU; and

NOW, THEREFORE, BE IT RESOLVED the parties agree as follows:

| <b>Section</b>                                | <b>Amended Language</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Salary and Term - 1.1                         | Add language: "In the event that any Bargaining Unit negotiates a new across the board salary increase during calendar year 2010, negotiations would reopen with the Mid-Management Bargaining Unit regarding salaries. This clause shall not apply to a restoration of previously waived salary rights."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Medical Insurance – 15.1                      | If an employee elects not to be covered by medical insurance through the City of Lodi, an additional \$692.81 per month for family or \$532.92 for employee + 1 dependent will be added to either the employee's deferred compensation account or cash. A single employee who can show proof of group insurance will be eligible for this provision at one half (1/2) of the current amount. The dollar amount shall not increase during the term of the MOU. In order to qualify for this provision, proof of group insurance must be provided to the City.                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Tuition Reimbursement - 21.1 (1) and 21.1 (2) | <p>Modify 21.1 (1) to increase maximum to \$3,000.</p> <p>Eliminate paragraph stating, "The maximum amount reimbursed is based on fees for two courses of study at California State University Sacramento."</p> <p>Add language to state: "Reimbursement subject to a grade of "C" or higher. No pass/fail course grades will be accepted. College must be accredited from one of the eight regional accredited associations below:</p> <ul style="list-style-type: none"><li>▪ Middle States Association of Colleges and Schools, Commission on Higher Education</li><li>▪ New England Association of Schools and Colleges, Commission on Institutions of Higher Education</li><li>▪ New England Association of Schools and Colleges, Commission on Technical and Career Institutions</li><li>▪ North Central Association of Colleges and Schools, The Higher Learning Commission</li><li>▪ Northwest Commission on Colleges and Universities</li><li>▪ Southern Association of Colleges and Schools, Commission on Colleges</li></ul> |

|  |                                                                                                                                                                                                                                                                               |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <ul style="list-style-type: none"> <li>▪ Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges</li> <li>▪ Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities</li> </ul> |
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This Addendum shall not become effective until approved by the Lodi City Council.

CITY OF LODI,

Mid-Managers Association

\_\_\_\_\_  
Blair King, City Manager

BY \_\_\_\_\_  
Curt Juran, President

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Dean Gualco, Human Resources Manager

ATTEST:

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RANDI JOHL, J.D., City Clerk

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D. STEPHEN SCHWABAUER, City Attorney



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Set Public Hearing for February 3, 2010 to Extend Interim Ordinance No. 1823, an Uncodified Interim Urgency Ordinance Imposing a Temporary Moratorium on the Establishment or Operation of Medical Marijuana Dispensaries in the City of Lodi.

**MEETING DATE:** January 20, 2010

**PREPARED BY:** Deputy City Attorney

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**RECOMMENDED ACTION:** Set public hearing for February 3, 2010 to extend Interim Ordinance No. 1823, an Uncodified Interim Urgency Ordinance Imposing a Temporary Moratorium on the Establishment or Operation of Medical Marijuana Dispensaries in the City of Lodi.

**BACKGROUND INFORMATION:** On May 20, 2009, the Council adopted Interim Ordinance No. 1823 extending the moratorium on the establishment or operation of medical marijuana dispensaries within the City. The ordinance was adopted in response to inquiries from members of the public about opening medical marijuana dispensaries in the City. The City's Municipal Code does not address the issue. Given undecided questions over the conflict between California and Federal marijuana laws, such dispensaries may or may not be a prohibited use within the City of Lodi.

The existing moratorium is set to expire on April 14, 2010, unless further action is taken by Council.

Currently there are several cases pending before the courts in California concerning the regulation of medicinal marijuana dispensaries. Of particular interest is the matter of the *Qualified Patients Assoc. v. City of Anaheim*. Staff anticipates that the Court of Appeal, 4<sup>th</sup> Appellate District, will rule on the *Anaheim* case within the next few months and believes the decision may affect the ability of cities to regulate the establishment of medical marijuana dispensaries within their jurisdictions. As a consequence of the continued uncertainty of the law concerning the regulation of dispensaries, staff recommends holding a public hearing to consider extending the existing temporary moratorium for a period of one year, through April 13, 2011. The continuation of the moratorium will allow staff to take the court decisions into consideration in analyzing of how best to regulate dispensaries within the City.

Government Code Section 65858 provides that the Council, may, after notice to the public pursuant to Government Code Section 65090 and a public hearing, extend Interim Ordinance No. 1823 for a period of one-year. The extension requires a minimum four-fifths vote to be adopted.

Should Council choose not to set a public hearing to extend the moratorium, staff requests that the Council provide direction to staff to proceed with the drafting of an ordinance to be added to the City's Municipal Code that: 1) regulates the establishment and operation of medical marijuana dispensaries within the City (an example of a time, place and manner ordinance from the Municipal Code of the City of Atascadero is attached), or 2) prohibits the establishment of dispensaries, whichever is the desire of the Council.

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APPROVED:

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Blair King, City Manager

Staff contacted members of the Lodi medical community on the issue of whether local doctors are writing recommendations for the medicinal use of marijuana under California Health and Safety Code Sections 11362.5, et. seq. (e.g., Proposition 215). One general practitioner does not recommend marijuana for medicinal use to his patients and it is his opinion that no respectable physician in the City would write recommendations either. The other doctor, who also does not write recommendations for marijuana to his patients, suggested that its only legitimate use, based on the research that he is aware of, is for pain management and cancer patients. Staff is not aware of any Lodi physicians specializing in pain management; however, we did contact a local oncology practice and were advised that their doctors do not write recommendations for the medicinal use of marijuana and that they are unaware of any doctors in the City who write recommendations for marijuana.

As proposed, the recommended extension of Interim Ordinance No. 1823 would extend the current moratorium on the issuance of use permits, variances, building permits, business licenses, or any other entitlement for the establishment or operation of medical marijuana dispensaries within the City to April 13, 2011. As previously noted, without the proposed extension, Interim Ordinance 1823 will be of no further force and effect after April 14, 2010.

**FUNDING:** None.

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Janice D. Magdich  
Deputy City Attorney

cc: Rad Bartlam, Community Development Director  
David Main, Police Chief

Attachments: Uncodified Interim Ordinance No. 1823  
City of Atascadero, Municipal Code Chapter 13 (Medical Marijuana Dispensaries)

ORDINANCE NO. 1823

AN UNCODIFIED INTERIM URGENCY ORDINANCE OF THE  
CITY COUNCIL OF THE CITY OF LODI EXTENDING ORDINANCE  
NO. 1822 IMPOSING A TEMPORARY MORATORIUM ON THE  
ESTABLISHMENT OR OPERATION OF MEDICAL MARIJUANA  
DISPENSARIES IN THE CITY OF LODI

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WHEREAS, in 1996, the voters of the State of California approved Proposition 215, which was codified as Health and Safety Code Section 11362.5, et seq. and entitled the Compassionate Use Act of 1996 ("the Act"); and

WHEREAS, the intent of Proposition 215 was to enable persons who are in need of marijuana for medical purposes to obtain and use it under limited, specified circumstances; and

WHEREAS, on January 1, 2004, Senate Bill 420 became effective to clarify the scope of the Act and to allow cities and counties to adopt and enforce rules and regulations consistent with SB 420 and the Act; and

WHEREAS, under the U.S. Controlled Substances Act, marijuana is classified as a Schedule 1 drug, meaning it has no accepted medical use; and

WHEREAS, the City of Lodi (the "City") has received inquiries from members of the public as to the permitting process and zoning regulations for operating medical marijuana dispensaries within the City; and

WHEREAS, medical marijuana dispensaries raise issues of first impression for the City, which currently does not address or regulate in any manner the existence or location of medical marijuana dispensaries in its Municipal Code; and

WHEREAS, based on recent trends, the City believes that it may receive a growing number of inquiries for such businesses, including an application in the immediate future; and

WHEREAS, other California cities that have permitted the establishment of medical marijuana dispensaries have witnessed an increase in crime, such as burglaries, robberies, and the sale of illegal drugs in the areas immediately surrounding such dispensaries; and

WHEREAS, the City must study and analyze concerns about the potential negative impacts on the public health, safety, and welfare arising from medical marijuana dispensaries, including, but not limited to, criminal incidents, loitering, disturbing the peace, and property damage; and

WHEREAS, the City must study the scope of the City's police power and draft the necessary municipal code provisions; and

WHEREAS, if medical marijuana dispensaries were allowed to be established in the City without appropriate regulation, such uses might be established in areas that



would conflict with the General Plan currently under consideration by the Planning Commission and the City Council, be inconsistent with surrounding uses, or be detrimental to the public health, safety, and welfare; and if such uses were allowed to proceed as allowed under the current zoning, such uses could conflict with, and defeat the purpose of, the proposal to study and adopt new regulations regarding medical marijuana dispensaries; and

WHEREAS, the issuing of permits, business licenses, or other applicable entitlements providing for the establishment and/or operation of medical marijuana dispensaries, prior to the completion of the City's study of the potential impact of such facilities, poses a current and immediate threat to the public health, safety, and welfare, and that a temporary moratorium on the issuance of such permits, licenses, and entitlements is thus necessary; and

WHEREAS, this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; it prevents changes in the environment pending the completion of the contemplated General Plan adoption and zoning ordinance review; and

WHEREAS, California Government Code §65858 authorizes cities to adopt moratoriums on land use entitlements in order to study any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal; and

WHEREAS, for the protection of the public's health, safety, and general welfare, the City Council on April 15, 2009, adopted Ordinance No. 1822 entitled an Uncodified Urgency Interim Ordinance of the City Council of the City of Lodi making findings and imposing a forty-five (45) day moratorium on the establishment or operation of medical marijuana dispensaries in the City of Lodi; and

WHEREAS, the City Council desires to extend Ordinance No. 1822 for a period of ten (10) months and fifteen (15) days, as permitted by Government Code Section 65858, to maintain the current status quo and to provide time for the City to study applicable law, a permit or licensing procedure, the appropriate zoning districts for such uses, and adopt regulatory standards and conditions to be imposed on such operations.

NOW, THEREFORE, BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. The City Council finds that in accordance with the terms and provisions of Section 65858 of the Government Code, and following notice given in the time and manner required by law, it held a public hearing on the extension of Ordinance No. 1822 on May 20, 2009. After hearing all applicable evidence, the City Council finds that the conditions and findings cited in Ordinance 1822 continue to exist and that further study by City staff is necessary in order to study applicable law, a permit or licensing procedure, the appropriate zoning districts for such uses, and to adopt regulatory standards and conditions to be imposed on such operations.

Section 2.      Imposition of Moratorium.

A.      In accordance with Government Code Section 65858, from and after the date of the expiration of Ordinance No. 1822, no use permit, variance, building permit, business license, or other applicable entitlement for use shall be approved or issued for the establishment or operation of a medical marijuana dispensary for a period of ten (10) months and fifteen (15) days.

B.      For purposes of this Ordinance, "medical marijuana dispensary" shall mean any facility or location where a primary caregiver intends to or does make available, sell, transmit, give, or otherwise provide medical marijuana to two or more of the following: a qualified patient, a person with an identification card, or a primary caregiver. For purposes of this ordinance, the terms "primary caregiver," "qualified patient," and "identification card" shall have the same meaning as that set forth in Health and Safety Code Section 11362.7, *et seq.*

C.      For purposes of this Ordinance, a medical marijuana dispensary shall not include the following uses, as long as the location of such uses is otherwise regulated by applicable law and as long as such use complies strictly with applicable law, including, but not limited to, Health and Safety Code Section 11362.7, *et seq.*: (1) a clinic, licensed pursuant to Chapter 1, Division 2 of the Health and Safety Code (commencing with 51200); (2) a health care facility, licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code (commencing with 51250); (3) a residential care facility for persons with chronic life-threatening illness, licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code (commencing with §1568.01); (4) a residential care facility for the elderly, licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code (commencing with §1569); or (5) a hospice or home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code (commencing with §1725), the owner or operator, or no more than three employees who are designated by the owner or operator, of the clinic, facility, hospice, or home health agency, if designated as a primary caregiver by that qualified patient or person with an identification card.

D.      This Ordinance is an urgency ordinance adopted pursuant to the authority granted to the City of Lodi by Government Code Section 65858 and is for the immediate preservation of the public health, safety, and welfare. The City Council of the City of Lodi hereby finds and declares that there is a need to enact an urgency ordinance establishing a moratorium on medical marijuana dispensaries, based upon the following findings:

- (1) California cities that have permitted the establishment of medical marijuana dispensaries have found that such dispensaries have resulted in negative and harmful secondary effects, such as an increase in crime, including robberies, burglaries, and sales of illegal drugs in the areas immediately surrounding medical marijuana dispensaries. This potential for increased risk of crime and violence presents a clear and immediate danger to the public health, safety and welfare of the residents of the City of Lodi; and
- (2) The City has recently received inquiries from members of the public as to the permitting process and zoning regulations for operating medical marijuana dispensaries within the City; and

- (3) The City does not currently have standards in its Municipal Code relating to the location, operation, and concentration of medical marijuana dispensaries within the City; and
- (4) If medical marijuana dispensaries were allowed to be established without appropriate review of location and operational criteria and standards, such uses might be established in areas that would conflict with the General Plan under consideration by the Planning Commission and the City Council, be inconsistent with surrounding uses, or could have potential adverse secondary effects on neighborhoods in the City and be detrimental to the public health, safety, and welfare; and
- (5) The failure to extend the existing moratorium may result in significant irreversible change in the character of the community and the neighborhood surrounding any marijuana dispensary that would be allowed to open under the City's Municipal Code; and
- (6) Permitting a marijuana dispensary to open while the City is studying and considering a new General Plan as well as zoning regulations to regulate and/or prohibit this use would defeat the purpose of studying these impacts in the first place; and
- (7) As a result of the negative and harmful secondary effects associated with medical marijuana dispensaries and the current and immediate threat such secondary effects pose to the public health, safety, and welfare, it is necessary to extend the existing moratorium on the establishment and operation of medical marijuana dispensaries in the City for a period of ten (10) months and fifteen (15) days from and after the date of the expiration of Ordinance No. 1822, to allow for the completion of the City's study of the potential impacts of medical marijuana dispensaries and possible amendments to the City's Municipal Code.


Section 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council of the City of Lodi hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

Section 4. No Mandatory Duty of Care. This Ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 6. Conflict. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 7. Effective Date. This urgency Ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect immediately upon its passage and approval by at least four-fifths vote of the City Council the expiration of Ordinance No. 1822 (May 30, 2009), and shall be in effect for a period of ten (10) months and fifteen (15) days (April 14, 2010), unless repealed or extended by further action of the City Council as provided by Government Code Section 65858

Approved this 20<sup>th</sup> day of May, 2009

  
LARRY D. HANSEN  
Mayor

ATTEST:

  
JENNIFER M. PERRIN  
Assistant City Clerk

State of California  
County of San Joaquin, ss.

I, Jennifer M. Perrin, Assistant City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1823 was adopted as an urgency ordinance at a regular meeting of the City Council of the City of Lodi held May 20, 2009, and was thereafter passed, adopted, and ordered to print by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Johnson, Katzakian, Mounce,  
and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1823 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

  
JENNIFER M. PERRIN  
Assistant City Clerk

Approved to Form:

  
JANICE D. MAGDICH  
Deputy City Attorney

**Atascadero Municipal Code****Up Previous Next Main Collapse Search Print No Frames**Title 5 PUBLIC WELFARE**Chapter 13 MEDICAL MARIJUANA DISPENSARIES**

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**5-13.101 Purpose and intent.**

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It is the purpose and intent of this chapter to regulate medical marijuana dispensaries in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City. It is neither the intent nor effect of this chapter to condone or legitimize the use of marijuana. (Ord. 494 § 1 (part), 2006)

**5-13.102 Definitions.**

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For the purpose of this chapter, the words and phrases shall have the same meanings respectively ascribed to them by this section:

- (a) "Applicant" means a person who is required to file an application for a permit under this chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of a medical marijuana dispensary.
- (b) "Church" means a structure or leased portion of a structure which is used primarily for religious worship and related religious activities.
- (c) "City" means the City of Atascadero.
- (d) "City Manager" means the City Manager of the City of Atascadero or the authorized representative thereof.
- (e) "Director of Community Development" means the Director of Community Development of the City of Atascadero or the authorized representative thereof.
- (f) "Drug paraphernalia" shall have the same definition as California Health and Safety Code Section 11362.5, and as may be amended.
- (g) "Fire Chief" means Fire Chief of the City of Atascadero or the authorized representative thereof.
- (h) "Identification card" shall have the same definition as California Health and Safety Code Section 11362.5 et seq., and as may be amended.
- (i) "Medical marijuana dispensary" or "dispensary" means any facility or location where medical marijuana is made available to and/or distributed by or to two (2) or more of the following: a primary caregiver, a qualified patient, or a person with an identification card, in strict accordance with California Health and Safety Code Section 11362.5 et seq. A "medical marijuana dispensary" shall not include the following uses, as long as the location of such uses are otherwise regulated by this Code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq.
- (j) "Permittee" means the person to whom a medical marijuana dispensary permit is issued.
- (k) "Person" means any individual, partnership, co-partnership, firm, association, joint stock company,

corporation, limited liability company or combination of the above in whatever form or character.

(l) "Person with an identification card" shall have the same definition as California Health and Safety Code Section 11362.5 et seq., and as may be amended.

(m) "Police Chief" means the Police Chief of the City of Atascadero or the authorized representatives thereof.

(n) "Primary caregiver" shall have the same definition as California Health and Safety Code Section 11362.5 et seq., and as may be amended.

(o) "Qualified patient" shall have the same definition as California Health and Safety Code Section 11362.5 et seq., and as may be amended.

(p) "School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any child or day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education. (Ord. 494 § 1 (part), 2006)

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#### **5-13.103 Permit required.**

It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City of Atascadero, the operation of a medical marijuana dispensary unless the person first obtains and continues to maintain in full force and effect a conditional use permit for a medical marijuana dispensary from the City of Atascadero as herein required. The Planning Commission shall consider all conditional use permits for medical marijuana dispensaries. The Planning Commission shall consider and review all applications for a conditional use permit for a medical marijuana dispensary and approve in accordance with this chapter or deny. All appeals shall be in accordance with Section 9-1.111 of the Atascadero Municipal Code. (Ord. 494 § 1 (part), 2006)

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#### **5-13.104 General tax liability.**

An operator of a dispensary shall also be required to apply for and obtain a general City tax certificate or exemption as a prerequisite to obtaining a permit pursuant to the terms hereof, as required by the State Board of Equalization. (Ord. 494 § 1 (part), 2006)

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#### **5-13.105 Imposition of fees.**

Every application for a permit or renewal shall be accompanied by a nonrefundable fee, as established by resolution of the City Council from time to time. This application or renewal fee shall not include fingerprinting, photographing, and background check costs and shall be in addition to any other business license fee or permit fee imposed by this Code or other governmental agencies. Fingerprinting, photographing, and background check fees will be as established by resolution adopted by the City Council from time to time. (Ord. 494 § 1 (part), 2006)

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#### **5-13.106 Limitations on number of dispensaries.**

The City shall not grant or cause to be granted more than one permit for a dispensary. (Ord. 494 § 1 (part), 2006)

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#### **5-13.107 Limitation on location of dispensary.**

(a) Except as specified in subsection (b) of this section, no medical marijuana dispensary shall be established or located in any zone in the City.

(b) A medical marijuana dispensary is restricted to the CS (Commercial Services) Zone, provided the subject site is one thousand (1,000) feet from the property line of a school, church, park and two hundred fifty (250) feet from the property line of a residential zone.

(c) A dispensary shall be in a highly visible location that provides good views of the dispensary entrance, windows and premises from the public street.

(d) The distance between a dispensary and the above-listed uses shall be made in a straight line from the boundary line of the property on which the dispensary is located to the boundary of the property on which the building or structure, or portion of the building or structure, in which the above-listed use occurs or is located.

(e) A waiver of the provisions in subsection (b) of this section may be granted if the applicant demonstrates on plans and materials presented for review and the Planning Commission determines that a physical barrier or similar condition exists which achieves the same purpose and intent as the distance separation requirements established herein. (Ord. 494 § 1 (part), 2006)

### **5-13.108 Operating requirements.**

Dispensary operations shall be established and managed only in compliance with the following standards:

(a) **Criminal History.** Any applicant, his or her agent or employees, or any person exercising managerial authority of a dispensary on behalf of the applicant shall not have been convicted of a felony, or of a misdemeanor involving moral turpitude, or engaged in misconduct related to the qualifications, functions or duties of a permittee. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

(b) **Minors.**

(1) It shall be unlawful for any permittee, operator, or other person in charge of any dispensary to employ any person who is not at least eighteen (18) years of age.

(2) Persons under the age of eighteen (18) shall not be allowed on the premises of a dispensary unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or guardian.

(3) The entrance to a dispensary shall be clearly and legibly posted with a notice indicating that person under the age of eighteen (18) are precluded from entering the premises unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or guardian.

(c) **Operating Hours.** A dispensary shall only be operated during the following days and hours: Monday through Sunday, 8 a.m. to 5 p.m.

(d) **Dispensary Size and Access.**

(1) The dispensary size shall be restricted to serve a maximum of two hundred fifty (250) patients per month. Dispensary size shall be limited, as deemed appropriate and necessary, to best serve patient needs within the intent of this chapter and reduce potential adverse impacts that might otherwise occur on surrounding neighborhoods, businesses and demands on City services.

(2) A dispensary shall not be increased in size (i.e., floor area or number of patients) without a prior approval amending the existing dispensary permit.

(3) The entrance into the dispensary building shall be locked at all times with entry strictly controlled; e.g., a "buzz-in" electronic/mechanical entry system is highly encouraged. A viewer shall be installed in the door that allows maximum angle of view of the exterior entrance.

(4) Qualified security personnel shall be employed during all hours of operation to monitor site activity, control loitering and site access.

(5) Only dispensary staff, primary caregivers, qualified patients and persons with bona fide purposes for visiting the site shall be permitted at a dispensary.

(6) Potential patients or caregivers shall not visit a dispensary without first having obtained a valid written recommendation from their physician recommending use of medical cannabis.

(7) Only a primary caregiver and qualified patient shall be permitted in the designated dispensing area with dispensary personnel. All other authorized visitors shall remain in the designated waiting area in the front entrance/lobby.

(8) Restrooms shall remain locked and under the control of management.

(e) Dispensary Supply. A dispensary may possess no more than eight (8) ounces of dried cannabis per qualified patient or primary caregiver, and maintain no more than six (6) mature or twelve (12) immature cannabis plants per qualified patient or primary caregiver. However, if a qualified patient or primary caregiver has a physician's recommendation that this quantity does not meet the qualified patient's medical needs, the dispensary may possess an amount of cannabis consistent with the patient's needs.

(f) Dispensing Operations.

(1) A dispensary shall dispense medical cannabis to meet monthly medication needs of qualified patients, similar to typical pharmacy operations. The dispensary shall strongly discourage and avoid daily or weekly visits by patients as a routine practice.

(2) A dispensary shall only dispense to qualified patients or caregivers with a currently valid physician's approval or recommendation in compliance with the criteria in California Health and Safety Code Sections 11362.5 et seq.

(3) Prior to dispensing medical cannabis, the dispensary shall obtain verbal and signed verification from the recommending physician that the individual requesting medical cannabis is a qualified patient.

(4) A dispensary shall not have a physician on-site to evaluate patients and provide a recommendation for medical cannabis.

(5) Patient records shall be maintained on-site and verified as needed, and at least every six (6) months with the qualifying patient's physician or Doctor of Osteopathy.

(6) Information on prior years of operations shall be provided annually, as required in this chapter. The operator shall adjust the operations as necessary to address issues.

(g) Consumption Restrictions.

(1) Cannabis shall not be consumed on the premises of the dispensary. The term "premises" includes the actual building, as well as any accessory structures, parking areas, or other surroundings within five hundred (500) feet of the dispensary's entrance.

(2) Dispensary operations shall not result in illegal redistribution of medical cannabis obtained from the dispensary, or use in any manner that violates local, State or City Codes.

(3) Patients shall not medicate in public places.

(h) Retail Sales and Cultivation Prohibited.

(1) No cannabis shall be cultivated on the premises of the dispensary.

(2) No dispensary shall conduct or engage in the commercial sale of any product, good or service. The term "commercial sale" does not include the provision of medical cannabis on terms and conditions consistent with this chapter and applicable law.



(3) No dispensary shall sell or display any drug paraphernalia or any implement that may be used to administer medical cannabis.

(4) A dispensary shall not cultivate, distribute or sell medical cannabis for a profit.

(5) A dispensary shall not pay any supplier(s) of medical cannabis more than the costs incurred for cultivation and preparation.

(6) A dispensary shall meet all the operating criteria for the dispensing of medical cannabis as is required pursuant to California Health and Safety Code Sections 11362.5 et seq.

(i) Operating Plans.

(1) Floor Plan. A dispensary shall have a lobby "waiting area" at the entrance to receive clients, and a separate and secure designated area for dispensing medical cannabis to qualified patients or designated caregivers. The primary entrance shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways.

(2) Storage. A dispensary shall have a suitable locked safe on premises, identified as a part of the security plan, for after-hours storage of medical cannabis.

(3) Minimum Staffing Levels. The premises shall be staffed with at least one person during hours of operation who shall not be responsible for dispensing medical cannabis.

(4) Odors Control. A dispensary shall have an air treatment system that ensures off-site odors shall not result.

(5) Security Plans. A dispensary shall provide adequate security on the premises, as approved by the Police Chief, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft.

(6) Security Cameras. Security surveillance cameras shall be installed to monitor the main entrance and exterior of the premises to discourage loitering, crime, illegal or nuisance activities.

(7) Security Video Retention. Security video shall be maintained for seventy-two (72) hours.

(8) Alarm System. A professionally monitored robbery alarm system shall be installed and maintained in good working condition. An alarm permit shall be obtained prior to installing an alarm system.

(9) Emergency Contact. A dispensary shall provide the Police Chief with the name, phone number and facsimile number of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the dispensary. The dispensary shall make every good faith effort to encourage neighborhood residents to call this person to try to solve operating problems, if any, before any calls or complaints are made to the City.

(j) Signage and Notices.

(1) The building entrance to a dispensary shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming cannabis on the premises or in the vicinity of the dispensary is prohibited.

(2) Signs on the premises shall not obstruct the entrance or windows.

(3) Address identification shall comply with City Code standards.

(4) Business identification signage shall be limited to that needed for identification only, consisting of a single window sign or wall sign consistent with the Sign Ordinance. Signs shall comply with all ordinances and not contain any logos or information that identifies, advertises or lists the services offered.

(k) Employee Records. Each owner or operator of a dispensary shall maintain a current register of the names of all employees currently employed by the dispensary, and shall disclose such registration for inspection by any City officer or official for purposes of determining compliance with the requirements of this section.

(l) Patient Records. A dispensary shall maintain records of all patients and primary caregivers using only the identification card number issued by the county, or its agent, pursuant to California Health and Safety Code Section 11362.71 et seq., as a protection of the confidentiality of the cardholders, or a copy of the written recommendation from a physician or Doctor of Osteopathy stating the need for medical cannabis.

(m) Staff Training. Dispensary staff shall receive appropriate training for their intended duties to ensure understanding of rules and procedures regarding dispensing in compliance with State and local law, and properly trained or professionally hired security personnel.

(n) Site Management.

(1) The operator of the establishment shall take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours if directly related to the patrons of the subject dispensary.

(i) "Reasonable steps" shall include calling the police in a timely manner, and requesting those engaging in objectionable activities to cease those activities, unless personal safety would be threatened in making the request.

(ii) "Nuisance" includes but is not limited to disturbances of peace, open public consumption of cannabis or alcohol, excessive pedestrian or vehicular traffic, illegal drug activity, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct or police detentions and arrests.

(2) The operator shall take all reasonable steps to reduce loitering in public areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours.

(3) The operator shall ensure that the hours of operation shall not be a detriment to the surrounding area.

(4) The operator shall provide patients with a list of the rules and regulations governing medical cannabis use and consumption within the City and recommendations on sensible cannabis etiquette.

(o) Trash, Litter, Graffiti.

(1) The operator shall clear the sidewalks adjoining the premises plus ten (10) feet beyond property lines along the street as well as any parking lots under the control of the operator as needed to control litter, debris and trash.

(2) The operator shall remove all graffiti from the premises and parking lots under the control of the operator within seventy-two (72) hours of its application.

(p) Compliance with Other Requirements. The operator shall comply with all provisions of all local, State or Federal laws, regulations or orders, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders.

(q) Confidentiality. The information provided for purposes of this section shall be maintained by the City Manager as confidential information, and shall not be disclosed as public records unless pursuant to subpoena issued by a court of competent jurisdiction.

(r) Display of Permit. Every dispensary shall display at all times during business hours the permit issued pursuant to the provisions of this chapter for such dispensary in a conspicuous place so that the same may be readily seen by all persons entering the dispensary.

(s) Reporting and Payment of Fees. Each permittee shall file a sworn statement with the City Manager indicating the number of patients served by the dispensary within the previous calendar year, and pay all annual permit fees. (Ord. 494 § 1 (part), 2006)

#### **5-13.109 Application preparation and filing.**

(a) **Application Filing.** A complete application submittal packet shall be submitted including all necessary fees and all other information and materials required by the City and this chapter. All applications for permits shall be filed with the Community Development Department, using forms provided by the City. It is the responsibility of the applicant to provide information required for approval of the permit. The application shall be made under penalty of perjury.

(b) **Eligibility for Filing.** Applications may only be filed by the owner of the subject property, or person with a lease signed by the owner or duly authorized agent allowing them to occupy the property for the intended use.

(c) **Filing Date.** The filing date of any application shall be the date when the City receives the last submission of information or materials required in compliance with the submittal requirements specified herein.

(d) **Effect of Incomplete Filing.** Upon notification that an application submittal is incomplete, the applicant shall be granted an extension of time to submit all materials required to complete the application within ninety (90) days. If the application remains incomplete, in excess of ninety (90) days, the application shall be deemed withdrawn and new application submittal shall be required in order to proceed with the subject request. The time period for granting or denying a permit shall be stayed during the period in which the applicant is granted an extension of time.

(e) **Effect of Other Permits or Licenses.** The fact that an applicant possesses other types of State or City permits or licenses does not exempt the applicant from the requirement of obtaining a dispensary permit.

(f) **Submittal Requirements.** Any application for a permit shall include the following information:

(1) **Applicant(s) Name.** The full name (including any current or prior aliases, or other legal names the applicant is or has been known by, including maiden names), present address, and telephone number of the applicant;

(2) **Applicant(s) Mailing Address.** The address to which notice of action on the application is to be mailed;

(3) **Previous Addresses.** Previous addresses for the past five (5) years immediately prior to the present address of the applicant;

(4) **Verification of Age.** Written proof that the applicant is over the age of eighteen (18) years;

(5) **Physical Description.** Applicant's height, weight, color of eyes and hair;

(6) **Photographs.** Passport quality photographs for identification purposes;

(7) **Employment History.** All business, occupation, or employment of the applicant for the five (5) years immediately preceding the date of the application;

(8) **Tax History.** The dispensary business tax history of the applicant, including whether such person, in previously operating in this or another city, county or state under license has had a business license revoked or suspended, the reason therefor, and the business or activity or occupation subsequent to such action of suspension or revocation;

(9) **Management Information.** The name or names and addresses of the person or persons having the management or supervision of the applicant's business;

(10) **Criminal Background.** A background investigation verifying whether the person or person having the management or supervision of the applicant's business has been convicted of a crime(s), the nature of such offense(s), and the sentence(s) received therefor;

(11) **Employee Information.** Number of employees, volunteers, and other persons who will work at the dispensary;

(12) **Statement of Dispensary Need.** A statement and/or information to establish the need for the dispensary

to serve qualified patients in the area;

(13) Plan of Operations. A plan of operations describing how the dispensary will operate consistent with the intent of State law and the provisions of this chapter, including but not limited to:

- (i) Ensuring cannabis is not purchased or sold by the dispensary in a manner that would generate a profit,
- (ii) Controls that will assure medical cannabis will be dispensed to qualifying patients or caregivers only,
- (iii) Controls that will ensure limitations on numbers of patients is adhered to,

(iv) Controls that will ensure access to dispensary premises is adequately monitored and restricted to pre-approved qualified patients and caregivers,

(v) Method for ensuring that a qualified patient's physician is not recommending cannabis for less than medically appropriate reasons;

(14) Written Project Description. A written description summarizing the proposed dispensary use size, number of patients, characteristics and intent;

(15) Written Response to Dispensary Standards. The applicant shall provide a comprehensive written response identifying how the dispensary plan complies with each of the standards for review in this chapter, specifically the "Limitation on Number and Size, Limitation on Location, and Operating Requirements" sections;

(16) Security Plan. A detailed security plan outlining the proposed security arrangements for ensuring the safety of persons and to protect the premises from theft. The plan shall include installation of security cameras, a robbery alarm system monitored by a licensed operator, and a security assessment of the site conducted by a qualified professional;

(17) Floor Plan. A sketch or diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the dispensary. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches;

(18) Site Plan. A sketch or diagram showing exterior configuration of the premises, and contiguous properties including the outline of all structures, parking and landscape areas, and property boundaries. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions to an accuracy of plus or minus six (6) inches;

(19) Lighting Plan. A lighting plan showing existing and proposed exterior premises and interior lighting levels that would be the minimum necessary to provide adequate security lighting for the use and comply with all City standards regarding lighting design and installation;

(20) City Authorization. Written authorization for the City, its agents and employees to seek verification of the information contained within the application;

(21) Statement of Owner's Consent. A statement in writing by the applicant that he or she certifies under penalty of perjury that the applicant has the consent of the property owner and landlord to operate a dispensary at the location;

(22) Applicant's Certification. A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct;

(23) Other Information. Such other identification and information as deemed necessary by the Director of Community Development and/or Police Chief to demonstrate compliance with this chapter and City Codes, including operating requirements established herein. (Ord. 494 § 1 (part), 2006)

#### **5-13.110 Investigation and action on application.**

After the making and filing of a complete application for a dispensary permit and payment of the fees, the Police Chief shall conduct a background check of the applicant and all employees and conduct an investigation of the application, and take action as follows:

(a) The application shall be referred to any other City departments as necessary to complete the investigation into the application. At a minimum, this should include the City Manager, Fire Chief, and the Director of Community Development.

(b) Within forty-five (45) days after completion of his or her investigation, the Police Chief shall either deny the application in accordance with the provisions of this chapter, deem the application incomplete, or refer the application for a permit to the Planning Commission.

(c) An applicant aggrieved by the Police Chief's decision to deny a permit may appeal such decision to the Planning Commission by filing a written notice stating the grounds on which the appeal is based and paying applicable appeal fee with the City Clerk within ten (10) working days of the Police Chief's written notice of decision. If an appeal is not taken within such time, the Police Chief's decision shall be final. (Ord. 494 § 1 (part), 2006)

#### **5-13.111 Findings for approval of conditional use permit.**

The Planning Commission shall make all of the following findings in determining whether to grant a dispensary permit; failure to make all of the required findings shall result in the denial of the permit:

(a) That the dispensary permit is consistent with the intent of Proposition 215 and related State law, the provisions of this chapter and the City Code, including the application submittal and operating requirements herein;

(b) That the dispensary location is not identified as having significant crime issues (e.g., based upon crime reporting district/statistics as maintained by the Police Department);

(c) That there have not been significant numbers of calls for police service, crimes or arrests in the area;

(d) That an applicant or employee is not under eighteen (18) years of age;

(e) That all required application materials have been provided in a manner that shows it would comply with the operating requirements and standards specified in this chapter;

(f) That an appropriate limit on size of the dispensary has been established and the requested permit would not exceed limitations on number of patients and/or permits allowed by this chapter;

(g) That issuance of a dispensary permit for the size requested is justified to meet needs of residents;

(h) That issuance of the dispensary permit would serve needs of residents at this location;

(i) That the location is not prohibited by the provisions of this chapter or any local or State law, statute, rule or regulation and no significant nuisance issues or problems are anticipated or resulted;

(j) That the site plan, floor plan, and security plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the "Operating Requirements" section. These features may include, but are not limited to, security on-site; procedure for allowing entry; openness to surveillance and control of the premises; the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior;

(k) That no dispensary use, owner, permittee, agent, or employee has violated any provision of this chapter including grounds for suspension, modification or revocation of a permit;

(l) That all reasonable measures have been incorporated into the plan and/or consistently taken to

successfully control the establishment's patrons' conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, ingesting cannabis in public, or creation of a public or private nuisance, or interference of the operation of another business;

(m) That the dispensary would not adversely affect the health, peace or safety of persons living or working in the surrounding area, overly burden a specific neighborhood with special needs or high impact uses, or contribute to a public nuisance; or that the dispensary has resulted in repeated nuisance activities including disturbances of the peace, illegal drug activity, ingesting cannabis in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests;

(n) That any provision of the City Code or condition imposed by a City-issued permit, or any provision of any other local, State or Federal law, regulation, or order, or any condition imposed by permits issued in compliance with those laws has not been violated;

(o) That the applicant has not violated any local or State law, statute, rule or regulation respecting the distribution, possession, or consumption of cannabis;

(p) That the applicant has not knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit;

(q) That the applicant, his or her agent or employees, or any person who is exercising managerial authority on behalf of the applicant has not been convicted of a felony, or of a misdemeanor involving moral turpitude, or has engaged in misconduct related to the qualifications, functions or duties of a permittee. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere;

(r) That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices;

(s) The applicant, his or her agent or employees, or any person who is exercising managerial authority on behalf of the applicant has been convicted of a felony, or of a misdemeanor involving moral turpitude, or has engaged in misconduct related to the qualifications, functions or duties of a permittee. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere;

(t) The medical marijuana dispensary does comply with the location standards pursuant to Section 5-13.108. (Ord. 494 § 1 (part), 2006)

#### **5-13.112 Registration of new employees.**

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(a) As a further condition of approval of every medical marijuana dispensary permit issued pursuant to this chapter, every owner or operator shall register every employee with the Police Department within five (5) business days of the commencement of the employee's period of employment at the medical marijuana dispensary.

(b) Each employee shall be required to provide a recent color passport-quality photograph and, at the discretion of the Police Chief, shall allow himself or herself to be fingerprinted by the Police Department for purposes of identification. In addition, each new employee shall provide the following information on a form provided by the Police Department:

(1) Name, current resident address, and telephone number;

(2) Date of birth;

(3) Height, weight, color of eyes, and hair.

(c) Information provided for purposes of this section shall be maintained by the Police Department as

confidential information, and shall not be disclosed as public records unless pursuant to subpoena issued by a court of competent jurisdiction.

(d) Each owner or operator of a medical marijuana dispensary shall maintain a current register of the names of all employees currently employed by the medical marijuana dispensary, and shall disclose such registration for inspection by any police officer for purposes of determining compliance with the requirements of this section.

(e) Failure to register each new employee within five (5) days of the commencement of employment, or to maintain a current register of the names of all employees shall be deemed a violation of the conditions of the permit and may be considered grounds for suspension or revocation of the permit. (Ord. 494 § 1 (part), 2006)

#### **5-13.113 Suspension and revocation: Notice.**

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(a) Any permit issued under the terms of this chapter may be suspended or revoked by the City when it shall appear that the permittee has committed any one or more of the acts or omissions constituting the grounds for suspension or revocation under this chapter.

(b) No permit shall be revoked or suspended by virtue of this section until a hearing shall have been held by the City. Written notice of the time and place of such hearing shall be served upon the person to whom the permit was granted at least five (5) days prior to the date set for such hearing. Such notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending such permit. Notice may be given either by personal delivery to the person to be notified, or by depositing it in the U.S. mail in a sealed envelope, postage prepaid, addressed to the person to be notified at his address as it appears in his application for a permit. (Ord. 494 § 1 (part), 2006)

#### **5-13.114 Suspension and revocation: Grounds.**

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It shall be a ground for suspension or revocation of a permit if any permittee or person, his or her agent, or employee:

(a) Does any act which violates any of the grounds set forth in this section, which sets forth the grounds for denial of a permit for the medical marijuana dispensary; or

(b) Violates any other provision of this chapter or any local or State law, statute, rule or regulation relating to his or her permitted activity; or

(c) Engages in or permits misconduct substantially related to the qualifications, functions or duties of the permittee; or

(d) Conducts the permitted business in a manner contrary to the peace, health, or safety of the public; or

(e) Fails to take reasonable measures to control the establishment's patrons' conduct resulting in disturbances, vandalism, or crowd control problems occurring inside of or outside the premises, traffic control problems, or creation of a public or private nuisance, or obstruction of the business operation of another business; or

(f) Violates or fails to comply with the terms and conditions of the permit. (Ord. 494 § 1 (part), 2006)

#### **5-13.115 Suspension or revocation without hearing.**

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If any person holding a permit or acting under the authority of such permit under this article is convicted of a public offense in any court for the violation of any law which relates to his or her permit, the City may revoke said permit forthwith without any further action thereof, other than giving notice of revocation to the permittee.

(Ord. 494 § 1 (part), 2006)

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**5-13.116 Display of permit.**

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Every medical marijuana dispensary shall display at all times during business hours the permit issued pursuant to the provisions of this chapter for such medical marijuana dispensary in a conspicuous place so that the same may be readily seen by all persons entering the medical marijuana dispensary. (Ord. 494 § 1 (part), 2006)

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**5-13.117 Transfer of permits.**

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(a) A permittee shall not operate a medical marijuana dispensary under the authority of a medical marijuana dispensary permit at any place other than the address of the medical marijuana dispensary stated in the application for the permit.

(b) A permittee shall not transfer ownership or control of a medical marijuana dispensary or transfer a medical marijuana dispensary permit to another person unless and until the transferee obtains an amendment to the permit from the City stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the City in accordance with Section 5-13.109 and accompanies the application with a transfer fee in an amount set by resolution of the City Council, and the City determines in accordance with Section 5-13.109 and Chapter 2 of Title 9 that the transferee would be entitled to the issuance of an original permit.

(c) No permit may be transferred when the City has notified the permittee that the permit has been or may be suspended or revoked.

(d) Any attempt to transfer a permit either directly or indirectly in violation of this section is hereby declared void, and the permit shall be deemed revoked. (Ord. 494 § 1 (part), 2006)

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**5-13.118 Separate offense for each day.**

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Any person that violates any provision of this chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly. (Ord. 494 § 1 (part), 2006)

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**5-13.119 Public nuisance.**

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Any use or condition caused or permitted to exist in violation of any of the provisions of this chapter shall be and is hereby declared a public nuisance and may be summarily abated by the City pursuant to Chapter 8 of Title 9 of the Atascadero Municipal Code. (Ord. 494 § 1 (part), 2006)

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**5-13.120 Criminal penalties.**

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Any person who violates, causes, or permits another person to violate any provision of this chapter commits a misdemeanor. (Ord. 494 § 1 (part), 2006)

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**5-13.121 Civil injunction.**

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The violation of any provision of this chapter shall be and is hereby declared to be contrary to the public



interest and shall, at the discretion of the City, create a cause of action for injunctive relief. (Ord. 494 § 1 (part), 2006)

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**5-13.122 Administrative remedies.**

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In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this chapter may be subject to administrative remedies as set forth by City ordinance. (Ord. 494 § 1 (part), 2006)

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**5-13.123 Severability.**

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The provisions of this chapter are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter. (Ord. 494 § 1 (part), 2006)

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**5-13.124 Time limit for filing applications for permit.**

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All persons who possess an outstanding business license heretofore issued for the operation of a medical marijuana dispensary, must apply for and obtain a medical marijuana dispensary permit within ninety (90) days of the effective date of the ordinance codified in this chapter. Continued operation of a medical marijuana dispensary without a permit more than ninety (90) days after the effective date of the ordinance codified in this chapter shall constitute a violation of this chapter. (Ord. 494 § 1 (part), 2006)



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Adopt Resolution Approving the First Amendment to Consultant Contract with the Bartlam Group to extend Konrad Bartlam's services as Community Development Director for an additional 12 Months

**MEETING DATE:** January 20, 2010

**PREPARED BY:** City Manager

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**RECOMMENDED ACTION:** Adopt resolution approving the First Amendment to Consultant Contract with the Bartlam Group to extend Konrad Bartlam's services as Community Development Director for an additional 12 months.

**BACKGROUND INFORMATION:** Rad Bartlam has served as Community Development Director under the terms of a contract between the City and the Bartlam Group. Mr. Bartlam has agreed to continue his service for an additional 12-month term under the same terms and conditions. The First Amendment to the Agreement will extend the agreement.

In brief, the agreement requires a minimum of 24 hours per week and office hours generally on Tuesday, Wednesday, and Thursday, and attendance at Planning Commission meetings. He performs all duties as Community Development Director. Compensation is a flat \$90 per hour bi-weekly with no other benefits

**FISCAL IMPACT:** Estimated costs for a 12-month period are approximately \$112,320. These costs are approximately \$60,000 less than the alternative of a full-time in-house Community Development Director, although this option was offered to Mr. Bartlam.

**FUNDING AVAILABLE:**

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Blair King, City Manager

Attachment

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APPROVED: \_\_\_\_\_  
Blair King, City Manager

**First Amendment to Consultant Contract  
By and Between  
The City of Lodi and the Bartlam Group**

This First Amendment to the Agreement to Consultant Contract by and Between the City of Lodi, a municipal corporation, hereinafter referred to as the "City" and the Bartlam Group hereinafter referred to as the "Consultant" made and entered into this 20<sup>th</sup> day of January 2010.

1. The City entered into a consultant contract with the Consultant on August 1, 2009.
2. The Parties hereby amend Section 1, General, of the Agreement to extend the Consultant's services through January 15, 2011.
3. In all other respects the Consultant Contract shall remain the same.

**IN WITNESS WHEREOF**, the City Manager of the City of Lodi and Consultant signed this Agreement and Consultant has signed and executed this Agreement as of the day and year first above written.

CITY OF LODI, a municipal corporation:

CONSULTANT: THE BARTLAM  
GROUP

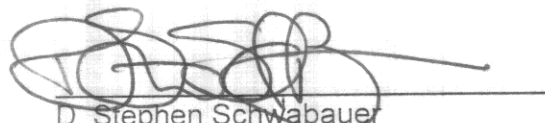
\_\_\_\_\_  
Blair King  
City Manager

\_\_\_\_\_  
  
Konrad Bartlam

Attest:

\_\_\_\_\_  
Randi Johl  
City Clerk

Approved as to Form:

\_\_\_\_\_  
  
D. Stephen Schwabauer  
City Attorney

RESOLUTION NO. 2010-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING FIRST AMENDMENT TO CONSULTANT  
CONTRACT WITH THE BARTLAM GROUP, EXTENDING  
LENGTH OF SERVICE

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NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the First Amendment to Consultant Contract with the Bartlam Group, extending Konrad Bartlam's services as Community Development Director for an additional twelve months, to and including January 15, 2011.

Dates: January 20, 2010

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I hereby certify that Resolution No. 2010-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 20, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2010-\_\_\_\_\_



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Adopt Resolution Ratifying Employment Agreement Entered into Between City Manager Blair King and Fire Chief Kevin Donnelly

**MEETING DATE:** January 20, 2010

**PREPARED BY:** City Manager

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**RECOMMENDED ACTION:** Adopt resolution ratifying the terms of the employment agreement entered into between City Manager Blair King and Fire Chief Kevin Donnelly.

**BACKGROUND INFORMATION:** Lodi Municipal Code Section 2.12.060 vests with the City Manager the power to select subordinate staff. The City Manager has selected Kevin Donnelly to serve as the next Fire Chief for the City of Lodi. It has been the City Manager's practice to offer employment agreements to executive management staff and it is respectfully requested that the Council ratify the employment agreement with Mr. Donnelly. All other department heads have employment agreements. Some of the proposed terms and conditions contained in the employment agreement extend beyond the Manager's authority and therefore requires ratification by the City Council. The proposed agreement is similar to that of other department heads.

Mr. Donnelly has served as Interim Fire Chief since the retirement of former Fire Chief Mike Pretz in June 2009. Mr. Donnelly has proven himself, has served in the Lodi Fire Department for the past 19 years, has experience in nearly every classification in the Fire Department including administration, has the support of the Department, and the confidence of the City Manager.

Former Chief Pretz took advantage of early retirement. Consequently, the City must leave a generally comparable position unfilled for a period of time.

With regard to the agreement, of particular interest to the Council is the following:

- The proposed Employment Agreement provides a six-month severance if the Fire Chief is terminated without cause;
- Provides base salary in the amount of \$145,000, (note: this is not an increase in pay for Mr. Donnelly, but reflects a roll-up of all previous pay and incentives, additionally, Mr. Donnelly will be subject to reductions and furloughs as all other management employees);
- Provides for a minimum differential between the Chief and subordinate employees of 10% including incentives and/or differentials;
- Vehicle provided for work-related use;
- One-time uniform allowance that will not reoccur in any subsequent years.

A copy of the Employment Agreement is attached.

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APPROVED: \_\_\_\_\_  
Blair King, City Manager

**FISCAL IMPACT:** The selection of Mr. Donnelly avoids incurring a search cost in the amount of approximately \$25,000 - \$30,000. The Manager does not intend to backfill Mr. Donnelly's previous Division Head position saving approximately \$197,000 annually. A well qualified, competent Fire Chief is a significant asset. The salary does not represent a pay increase for Mr. Donnelly.

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Blair King  
City Manager

Attachment

## EMPLOYMENT AGREEMENT

### Executive Management Exempt Service

#### Fire Chief

THIS AGREEMENT entered into on \_\_\_\_\_, by and between the CITY OF LODI, a municipal corporation (hereinafter referred to as "City") and Kevin Donnelly, an individual (hereinafter referred to as "Employee").

WHEREAS, City desires to employ the services of Employee as Fire Chief; and

WHEREAS, Employee desires to serve as Fire Chief for the City beginning January 25, 2010; and

WHEREAS, City and Employee agree in writing to the terms and conditions of employment as Fire Chief; and

WHEREAS, Employee and City agree and acknowledge that Employee's employment as Fire Chief is his sole and exclusive employment with City, and that their employment relationship is governed solely and exclusively by this Agreement.

NOW, THEREFORE, in consideration of the promises and conditions set forth herein, the parties mutually agree as follows:

1. **Employment:** City agrees to employ Employee as Fire Chief, in accordance with the following provisions:

(a) Employee shall serve as Fire Chief, and shall be responsible for managing and directing the operations of the Fire Department.

(b) Employee shall perform his duties to the best of his ability in accordance with the highest professional and ethical standards of the profession and shall comply with all general rules and regulations established by the City.

(c) Employee shall not engage in any activity which is or may become a conflict of interest, prohibited contract, or which may create an incompatibility of office as defined under California law. Employee shall comply fully with his reporting and disclosure obligations under regulations promulgated by the Fair Political Practices Commission (FPPC).

(d) Employee agrees to remain in the exclusive employ of the City during the term of this Agreement. Employee shall dedicate his full energies and qualifications to his employment as Fire Chief, and shall not engage in any other employment except as may be specifically approved in writing in advance by the City Manager.

2. **Maintenance of Professional Expertise:** To promote continued professional growth and benefit to the City, Employee shall, at City expense and consistent with budgetary

constraints: maintain professional licenses and certifications, maintain membership in professional organizations related to Fire administration and related professional disciplines; attend workshops, seminars and other similar activities designed to advance Employee's professional development; and, represent the City in professional associations and other organizations.

**3. Resignation or Termination:**

(a) Employee may resign at any time and agrees to give City at least 30 days advance written notice of the effective date of his resignation. In such event, Employee shall not be entitled to severance pay as provided in Paragraph 4 herein.

(b) The parties recognize and affirm that Employee may be terminated by the City Manager with cause, which shall mean gross insubordination, incapacity, dereliction of duty, conviction of any felony or any crime involving acts of moral turpitude or involving personal gain to him, or material breach of this Agreement. In such event, Employee shall not be entitled to severance pay as provided in Paragraph 4 herein.

(c) The parties recognize and affirm that Employee may be terminated by the City Manager without cause. In that event, and only in that event, Employee shall be entitled to severance pay as provided in Paragraph 4 herein.

(d) In the event of termination and in recognition of Employee's professional status and integrity, Employee and the City Manager shall prepare a joint public statement to be made by the City Manager. This employment relationship is based on the mutual respect between the parties and a desire to maintain the highest degree of professionalism. In communicating with third parties about the parties' employment relationship and the circumstances under which it may have been severed, the parties shall (a) protect and advance their mutual respect and professionalism, and (b) refrain from making statements that would negatively impact either party.

(e) Employee may choose to resign or retire his office instead of being terminated if agreed to by the City Manager. In such an event the public announcement, as provided for in Paragraph 3 (d) above, will note Employee has resigned or retired. The provisions of Paragraph 3 (d) shall remain applicable.

**4. Severance Pay:** If Employee is terminated by the City Manager without cause while still willing and able to perform the duties of Fire Chief, City agrees to pay Employee a cash payment equal to six (6) months' aggregate salary and the City's cost of six (6) months' health insurance benefits only (no other benefits will be accrued or converted to a cash equivalent) subject to reduction as set forth in this Paragraph 4. The severance payment will be paid in installments coinciding with the City's regular paydays during the severance period and subject to customary withholdings. In the event Employee retains new employment during the six-month severance period, any remaining severance payment will be forfeited as of the date Employee begins his new employment. To be eligible for such severance pay, Employee shall fulfill all of his obligations under this Agreement, and shall sign an Acknowledgment and Release of Claims against the City in a form acceptable to the City Attorney. Payment under this Paragraph 4 will release City from any further obligations under this Agreement, or any other transaction between the parties.

**5. Employment as Department Head is Sole Employment with City:** Employee further represents and acknowledges that his employment as Fire Chief is his sole and exclusive employment with the City. Employee has no right to any other exempt position with the City or to any employment in the classified service.



**6. Salary:**

a) City agrees to pay Employee \$145,000.00 in salary per annum for his services, payable in installments at the same time as other employees of the City are paid and subject to customary withholding.

(b) Each year the City Manager will conduct an annual review of the Employees performance and may grant an annual salary or incentive increase.

(c) Subject to Employee's satisfactory performance, City shall maintain a minimum 10% differential between Employee and the next highest paid subordinate including incentives.

**7 Benefits:** The City shall provide Employee the same benefits as provided to management employees in accordance with the terms of the Executive Management Statement of Benefits dated 1998 and as they may be amended, increased or decreased, except as modified herein. These are the sole and exclusive benefits to be provided to Employee. Any improvement or modification of such benefits may only be made by written instrument signed by the City Manager. As used herein, benefits include, but are not limited to: vacation, sick leave, holidays, administrative leave, retirement, vision insurance, health insurance, dental insurance, long-term disability insurance and life insurance. Employee's vacation leave shall be calculated based upon his actual years of service with the City, increasing from there as provided in the Executive Management Statement of Benefits. Moreover, Employee shall retain all sick leave and vacation leave he has accrued as Fire Division Chief but at his new pay rate and earn sick leave conversion based upon his initial date of employment with the City. Employee will also earn and accumulate sick leave at the same rate as a Lodi Fire Division Chief. Employee may participate in City's deferred compensation program. City contributes up to a maximum of three percent (3%) of base salary.

**7. Performance Evaluation:** The City Manager shall review and evaluate the performance of Employee each year and set goals and objectives for the ensuing year. Such review and evaluation shall be in accordance with specific criteria developed in the performance plan in consultation with Employee and the City Manager.

**10. Assignment:** Employee shall not assign any of the duties and responsibilities, or obligations of this Agreement except with the express written consent of the City Manager.

**11. Authority to Work in the United States:** Employee represents, under penalty of perjury, that he is authorized to work in the United States. In accordance with §274A (8 USC 1324) of the Immigration Reform and Control Act of 1986 before this Agreement can become effective, Employee must provide documentary evidence to City consistent with the Act, that he is legally entitled to work in the United States, and must execute the verification required by that Act.

**12. Cell Phone/Vehicle/Uniform Allowance:** Employee will be provided with a Cell Phone for employment related use at the City's expense on terms consistent with other Executive Managers. Employee will also be provided with a vehicle for work related use. Employee will also be provided with a one time uniform allowance of \$800. that will not recur in any subsequent renewals of this contract.

**13. Notice:** All notices required herein shall be sent first class mail to the parties as follows:

To CITY:

Blair King, City Manager

City of Lodi  
P. O. Box 3006  
Lodi, CA 95241-1910

To **EMPLOYEE:**

Kevin Donnelly

Lodi, California 95242

Notice shall be deemed effectively served upon deposit in the United States mail.

14. **Entire Agreement:** This Agreement contains the entire agreement between the parties hereto. No promise, representation, warranty, or covenant not included in this Agreement has been or is relied on by any party hereto. This Agreement may only be amended by written instrument signed by Employee and the City Manager and specifically approved by the City Council in open session.

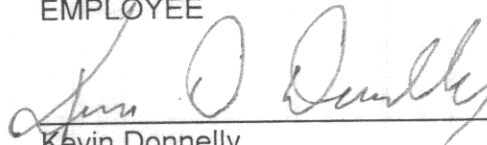
15. **Severability:** If any provision of this Agreement is invalid or unenforceable, it shall be considered deleted herefrom and the remainder of this Agreement shall be unaffected and shall continue in full force and effect.

**IN WITNESS WHEREOF**, the parties have executed this Agreement the day and year written above.

CITY OF LODI, a municipal corporation

EMPLOYEE

\_\_\_\_\_  
Blair King  
City Manager

\_\_\_\_\_  
  
Kevin Donnelly

ATTEST:

By: \_\_\_\_\_  
Randi Johl, J.D.  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
D. Stephen Schwabauer  
City Attorney



RESOLUTION NO. 2010-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY  
COUNCIL RATIFYING THE FIRE CHIEF  
EMPLOYMENT AGREEMENT

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby ratify the Employment Agreement entered into between the City Manager and Fire Chief Kevin Donnelly; and

BE IT FURTHER RESOLVED that the term of this Agreement shall commence January 25, 2010.

Dated: January 20, 2010

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I hereby certify that Resolution No. 2010-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 20, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2010-\_\_\_\_\_